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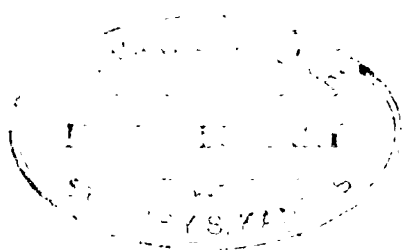
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NORTH AMERICA

Colonial and Federal.

By THOMAS HUGHES, of the same Society.

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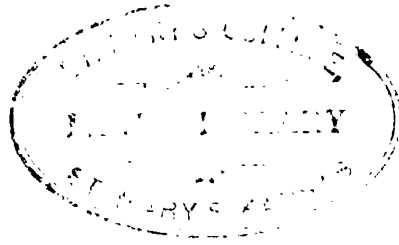
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COLONIAL AND FEDERAL**



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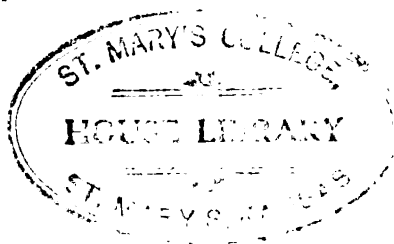
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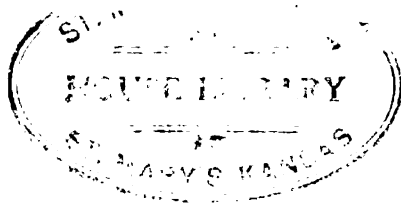
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## PREFACE

THIS volume of Jesuit history covers more than a century of missionary activity in North America. It extends from the time of Cromwellian disturbances in the middle of the seventeenth to the period of the American Revolution in the eighteenth century. At this latter date, French Canada had come under British rule; the Society of Jesus was temporarily suppressed; and revolution severed the English colonies from Great Britain.

In the growing settlements which were destined to become the United States of America, the history of Jesuits was that of the nascent Catholic Church. No other body of Catholic clergy, secular or regular, appeared on the ground till more than a decade of years had passed after the American Revolution. The field of missionary labour during colonial times comprised Maryland, Virginia, New Jersey, Delaware, Pennsylvania, and New York. The operation of many cramping agencies, which were at work to stop the growth of Popery and to restrain Jesuits, imparted to this story of religious development a form peculiar to the colonies. It was not that of a missionary body founding institutions, expanding them, and enjoying the breath of popular sympathy or the favour which Government showed to certain religious societies. The conditions of existence for Catholic missionaries were those of being scarcely able to obtain a footing, or of being suffered to breathe.

Not but that Catholicity had a kind of politico-religious status, in the sense of being a religion which was honoured with the attention of political powers. It was owing to such attention, legislative and administrative, that the history of both priests and laity hardened into a story of repression and constraint. One word of those times, "Anti-Popery," conveyed the limitations of the Catholic Church in the British colonies. It designated a permanent fact in being and a policy in action, which appear throughout this volume in the words of the people who acted and who left their deeds on record. The force of anti-Popery lay in causes of too deep

a significance, and was exerted by means of laws too many, too universal and fundamental, to admit of any such superficial explanation as that the anti-Catholic sentiment was a thing casual, local, or a mere access of transient emotion. The steady sequence and manifold connections of law, public policy and popular sentiment, stand out clearly in the body of documents. And, since we have impressed into service all available aids, we rest under the assurance that no further research will add any material circumstance, in the near, middle, or remote distance of the picture, to change the expression and significance of the scenes. To the relative documents, critically gauged, we have rigorously attached the whole narrative; for, unhampered by likings and dislikes, and acknowledging no obligations of human respect for persons and traditions, sober records are not unworthy of having history indented to them.

Those which we have published parallel with this History, as *Documents*, I., Part i. and Part ii., have all been used in the present volume of *Text*, for the period of time covered. The other matters arranged in those Parts, under the form of a "Documentary Excursus," will be of service in the historical narrative, when the subsequent series is taken in hand. Here we may remark that the Parts referred to comprise two distinct portions: one that of documents edited as such (Section I.); the other that of a "Documentary Excursus on Jesuit Property and its Uses" (Sections II.-VII.). The Excursus either produces whole papers or draws from them for its own limited purpose; differing, on the one side from a narrative Text, inasmuch as documents preponderate, reproduced to the full extent of their contents on a given question; and, on the other, from Documents pure and simple, inasmuch as the distribution of subjects, with connective scholia, makes a narrative result of itself in the words of the documents unfolding.

It may also be remarked that, when considerable resentment was expressed at our having produced the matter in our former volume of *Text*, not a word was said against the documents themselves which we brought out, but ever so much against the man who ventured to bring them out; as also against the manner—incisive or decisive—in which he applied them, without regard to consequences. On some occasion, his material was simply rehearsed, with surprise or covert sneer, as proof enough that it could not be true. Since we do in this volume the very same thing as before, citing chapter and verse for everything, we should indeed prefer that, if the reaction set in anew, it were directed against the

chapter and verse of the documents which happen to offend. However, as so excusable a sympathy for what is dear may still get misdirected into antipathy for what is true, we submit placidly to the consequences which shall attend ourselves, knowing that a stone is sometimes bitten instead of the hand which threw it, and withal suffers no damage by the operation. We do not choose to dwell on that other misdirection of criticism which assumes the offensive against Catholic authors as such; among whom, we ourselves have received the favour of a glance, in relation to our first volume. This kind of criticism consists in affecting towards Catholics a superiority of judgment not to be questioned, and even of literary style not to be doubted, though neither style nor judgment is obtruded on our notice to accredit the assumptions. Such affectation assumes, for instance, that there must be a "Roman cause" latent in the folds of a Catholic's production, and that a "crudeness of style" ought to be patent, if a Catholic speaks; possibly because of an old-time superstition not yet completely digested by modern organs, that Catholics are foreigners, "subjects of a foraigne prynce." However, these and suchlike pretensions we pass over, for that sort of fancy dress is not an American fashion in our days.<sup>1</sup>

Catholic Canada during this period showed the Jesuit missions in full operation, not obstructed by public policy, though sometimes impeded by local disturbance. A large part of the continent was brought under missionary control, with Quebec as the base of operations. The points of contact with British colonies were slight, until Jesuit missionaries came to settle in the cantons of the Iroquois. Then the French Jesuits had to bear the brunt of the English anti-Papist war; which became the more pressing as the British colonies found that, wherever they came across the Catholic power of Quebec, there was the Jesuit in evidence.

The drama of the Five Iroquois Nations, who first were tended by the Fathers, then were riven in twain betwixt the pagan trunk, left with the British colonies, and the Christian branch taken away to be grafted on Canadian Catholicity, has nowhere to our knowledge been set together in all its varied acts. Pieces have been exhibited

<sup>1</sup> For samples already referred to in our first volume, see *History*, I. 80, 81, 194, 195. An ancient American instance may be seen *Ibid.* 117, 118, J. L. Bowman. For the correlative phenomenon of mutual admiration, where individual competency is in default, cf. this volume, p. 274, note 11. As to artists or middlemen who run in to trade with Catholic themes, see *History*, I. 128, 124, G. Bancroft, Parkman; and this volume, *passim*.

here and there; scenes have been picked out; oftentimes a trend contrary to facts has been given to the story. In our pages we allow the actors to say what did happen from first to last, from the invasion of the cantons by the Jesuits to that phase of national existence in which the American Revolution found the tribes divided for the better or the worse between Canada and New York. In the antecedents, conduct and results of Jesuit ministrations to these and other native races, certain Protestant societies, which had been designed for a similar ministry, became noteworthy as bearing witness to a marked contrast between themselves and the Fathers.

The American Republic has not taken in all the territory of old British colonies. There were the West Indies, whither American Jesuits were summoned for service. In bringing forward this part of the colonial communities we are but doing justice to an element which, as a writer has recently observed, merits more attention than it has received in American literature.

An important incident stands apart, one which was implicitly connected with Jesuits by the force of circumstances, and has explicitly been brought to their door by some moderns. That was the question of a Catholic vicariate apostolic or bishopric, proposed for the English colonies. The episode belonged to the second half of the eighteenth century. It will be seen from authorities, as well of the Anglican Church as of the Revolutionary War, that there were underlying this question of admitting bishops into America several energetic principles, far down in colonial history and sentiment. They became factors in the development of the American Revolution.

If our subject is religious, it appeals none the less, but rather the more, to general interest. Among themes on which some writers of late have enlarged, we find such as these, that "religion is still the key to history"; that the pursuit of religious history is the most complete means for estimating American character; and that we should look forward to an American *Acta Sanctorum*.<sup>1</sup> If the matter here is distinctly new, that is expected of research. If it is exhaustive on the specific line indicated by the title of this History, it is not therefore a special plea; the less so, as the setting, political and social, is there to complete the religious body of the story. The historical outcome may be no less agreeable than final; since, even when actors and speakers are telling of things not quite according to our modern tastes, tragedy itself is far from distasteful

<sup>1</sup> *Amer. Hist. Review*, xii. 219-243; Simeon E. Baldwin. *Ibid.*, xiii. 286-302; J. Franklin Jameson.

to spectators. Meanwhile, the facts being ascertained and the documents being on hand, a critical appreciation will not omit to discount opinions and theories which have passed current for history, and will rate them at their proper values. Such critical estimates of current views we have placed chiefly in the Appendices.

We beg to acknowledge the services rendered us by the Rev. E. I. Devitt, S.J., of Georgetown University, throughout the whole course of our work; by the Rev. A. E. Jones, S.J., of Montreal, in his revision of the part on Canada, and his contribution of maps; by the Rev. A. Melançon, S.J., of Montreal, and the Rev. L. Carrez, S.J., of Champagne, in illustrating our volume with maps, studiously elaborated and comprehensive; and by the Rev. Elder Mullan, S.J., in his redaction of our biographical documents, the substance of which we have embodied in Appendix F. To the Rev. L. Schmitt, S.J., we make our grateful acknowledgments for the indications of Propaganda documents, and for numerous copies procured and verified.

THE AUTHOR.

ROME,  
*September 8, 1916.*







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GENERALS OF THE SOCIETY OF JESUS.

(Resumed from *History*, I, Introduction, I. § 7.)

- VI. Mutius Vitelleschi, November 15, 1615—February 9, 1645;  
under Paul V., Gregory XV., Urban VIII., Innocent X.
- VII. Vincent Carrafa, January 7, 1646—June 8, 1649; Innocent X.
- VIII. Francis Piccolomini, December 21, 1649—June 17, 1651;  
Innocent X.
- IX. Alexander Gottifredi, January 21, 1652—March 12, 1652;  
Innocent X.
- X. Goswin Nickel, March 17, 1652—July 31, 1664; Innocent  
X., Alexander VII.
- XI. John Paul Oliva, July 31, 1664—November 26, 1681;  
Alexander VII., Clement IX., Clement X., Innocent XI.
- XII. Charles de Noyelle, July 5, 1682—December 12, 1686;  
Innocent XI.
- XIII. Thyraus Gonzalez, July 6, 1687—October 27, 1705; Innocent  
XI., Alexander VIII., Innocent XII., Clement XI.
- XIV. Michael Angelo Tamburini, January 31, 1706—February 28,  
1730; Clement XI., Innocent XIII., Benedict XIII.
- XV. Francis Retz, November 30, 1730—November 19, 1750;  
Clement XII., Benedict XIV.
- XVI. Ignatius Visconti, July 4, 1751—May 4, 1755; Benedict  
XIV.
- XVII. Aloysius Centurione, November 30, 1755—October 2, 1757;  
Benedict XIV.
- XVIII. Lawrence Ricci, May 21, 1758—July 21, 1773; Clement  
XIII., Clement XIV.

PROVINCIALS OF THE ENGLISH PROVINCE S.J.

(Resumed from Introduction, I. § 7.)

- 1. Richard Blount, appointed January 21, 1623.
- 2. Henry More, about September, 1635.
- 3. Edward Knott (Matthew Wilson), about August, 1639.
- 4. Henry Silesdon (H. Bedingfeld), about October, 1646.
- 5. Francis Forster, about March, 1650.
- 6. Edward Knott, March 22, 1653.
- 7. Richard Barton (R. Bradshaigh), April 25, 1656.
- 8. Edward Courtney (E. Leedes), July 15, 1660.
- 9. John Clarke, January 14, 1664.
- 10. Joseph Simeon (Emmanuel Lobb), November 14, 1667.



xviii LIST OF GENERALS AND ENGLISH PROVINCIALS

11. George Gray, May 22, 1671.
12. Richard Strange, September 16, 1674.
13. Thomas Harcourt (T. Whitbread), about February, 1678.
14. John Warner, October 26, 1679.
15. John Keynes, July 1, 1683.
16. William Morgan, August 22, 1688.
17. (Sir) John Warner (Clare, Bart.), December 4, 1689.
18. Anthony Lucas, 1693.
19. William Mumford, February 16, 1694.
20. Henry Humberston (Hall), December 19, 1697.
21. James Blake, April 3, 1701.
22. Peter Hamerton, October 10, 1704.
23. Louis Sabran, Visitor and Vice-Provincial, 1709.
24. Thomas Parker (Culcheth), May 21, 1712.
25. Richard Plowden, July 6, 1716.
26. John Edisford, October 20, 1719.
27. Robert Beeston, February 18, 1721.
28. Thomas Lawson, 1724.
29. John Turberville, May 31, 1725.
30. John Richardson (Richard), 1731.
31. Levin Browne, October 1, 1733.
32. Henry Boulton, July 20, 1737.
33. Charles Shireburn, October 23, 1740.
34. Henry Sheldon, November 18, 1744.
35. Philip Carteret, October 3, 1751.
36. Henry Corbie, July 7, 1756.
37. James Dennett, 1762.
38. Nathaniel Elliot, 1766.
39. Thomas More, July 19, 1769—July 21, 1773.<sup>1</sup>

<sup>1</sup> Cf. Foley, *Collectanea*, pp. lx., lxi. For a list with variations from the above, see Schmitt, coll. 577-580.

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ARCH. MD., COURT BUSINESS. See *Ibid.*

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## **HISTORY**

**THE ANGLO-AMERICAN COLONIES, 1645-1773**  
**CANADA, 1611-1773**



## CHAPTER VII

### A REVOLUTIONARY PERIOD, 1645-1652

§ 77. View of a Massachusetts relation. § 78. White and Copley in an English prison: 1645. § 79. Catholics, exiles or refugees to Maryland, or the West Indies: 1646, 1647. § 80. Baltimore's Concordat for the Jesuits: 1647. § 81. Virginia substituted for the Maryland mission: 1647. § 82. Business and vows in Virginia: 1648. § 83. Baltimore's Conditions of Plantation: 1648. § 84. Purport of the Conditions for missionary work. § 85. Act of Religion or Toleration, in Maryland: 1649. § 86. The Assembly's action, 1650, on its Act of Toleration. § 87. Last claims of the Jesuits on Baltimore: 1650. § 88. Death and character of Copley: 1652.

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IN this chapter we recount some adventures of the early Jesuit missionaries, whose liberty and lives were at the mercy of the powers in being. Missionary activity in English America was suspended. Among Catholics generally, the ascendancy of the Commonwealth's Parliament caused anxiety and distress on both sides of the ocean. In England there were proposals made to the Catholics for a doctrinal compromise, under threats of exile to the distant colony of Maryland. These proposals originated, not merely with political authorities outside of the Church, but with some persons inside. In America

there was a suggestion among Catholics to go and find relief under another Crown and flag. The Spanish West Indies were looked to as a haven of refuge.

Negotiations were set on foot to revive the Jesuit ministry in Lord Baltimore's province. The result was that of tending to make the absence of missionaries permanent. Maryland, as a centre of operations, dropped out of English Jesuit reckonings. A Virginian mission was established.

The issue on which Cecil Calvert, Lord Baltimore, and the Jesuit authorities took divergent lines arose from certain Conditions of Plantation, propounded by the proprietary of Maryland. The ministries of religion, and the means of fostering Catholic worship as well as education, were subjected to an exceptional inspection and discrimination. The old Catholic character of the Maryland province wore away. Protestant governors were appointed by the Catholic proprietary; and the Catholic population dwindled into a minority. By an Act of Religion an effort was made to preserve or revive the spirit of religious liberty, which had prevailed heretofore. From their quarters in Virginia the Jesuit missionaries, extending their labours in various directions, returned to the desolate flocks of Maryland.

§ 77. In the preceding volume of our *Text* we traced the remote origin and foundation, as well as the early fortunes of the Anglo-American mission, which was established by the Society of Jesus (1634) on the shores of the Potomac. Briefly, the historical elements in the former volume were those supplied by the antecedents of the English Jesuit Province; by the colonizing enterprises of George Calvert, first Lord Baltimore; by the colonial policy of Cecil, second lord bearing the same title; and by the Jesuit ministries in Maryland during those early years.

Review of  
the former  
volume.

The colonial undertakings of George Calvert had been interwoven with ecclesiastical disputes, in which he took part as a leader of the English Catholic laity against certain claims of Richard Smith, Bishop of Chalcedon and Vicar Apostolic of England. The succession of Cecil Calvert to his father's rights, and to the proprietorship of Maryland, opened a chapter of relations, at first friendly with the Jesuit missionaries, but afterwards hostile to them. The subject-matter of dispute between the parties was both ecclesiastical and civil, touching religion, liberty, and property. Meanwhile, the Jesuit Fathers had fairly inaugurated the Indian missions within the limits

of the new colony; and they gave spiritual assistance to Catholics both in Maryland and Virginia.

The tissue of this narration brought the history down to 1645. The present volume will span the period between that early time and the American Revolution, with many a train of events connecting the two extremities or intersecting the epoch.

By producing original documents, we had undertaken from the first to present an historical picture, which the reader no less than the author might attest by comparing it with the vouchers for its truth. We do not propose to swerve from that course; the value of which, if not sufficiently plain, is enhanced by the character of many other pictures, already adorning the walls of the historical gallery. We direct attention to a single instance, which is comprehensive; and, for the names which authenticate it, is imposing.

It is a serious statement covering almost the entire subject of our preceding volume. Such an expanse of view is not slight, however slightly we retrace its lines. The authority which supports the statement is not light; for it is that of four responsible editors, representing the oldest historical society in America. The *Collections* of this association, the Massachusetts Historical Society, dating from 1792, continue still to rise as a venerable monument of research, even to our own day. From such pages we take the following sketch of early seventeenth-century Jesuit history, wherein most of the actors will be recognized as having appeared, one way or other, in our former volume.

A Massachusetts view of the same subject.

We are confronted with a hero, Sir Tobie Matthew, son of the Protestant Archbishop of York. The whole history of incipient Catholicity in English America is made to revolve about this gentleman; for he became a Catholic, and a "Jesuited priest of the order of politicians." So Rushworth called him. The House of Commons stigmatized him as "a creature of Laud," Archbishop of Canterbury, and as "the most active Jesuit in the kingdom." It was about 1604 that Sir Tobie became alike "a convert to the Romish faith," and an object of disgust to his father, the Anglican Archbishop of York. But neither date, nor process, nor circumstance is mentioned to account for what the Massachusetts editors affirm he then became, to wit, a Jesuit animated with great "ardor in the work of proselytism," and subject to "strong attractions" for converting all the lords and ladies within reach. Some sad instances of his success are adduced. "Proselytism and espionage were sacred duties of his Order"; and in the discharge of these

Sir Tobie Matthew and Jesuits.

functions he had a "companion, George Gage, an English brother Jesuit."<sup>1</sup>

Here follows a series of anecdotes about Jesuits on the authority of the notorious priest-hunter and spy, James Wadsworth. It is gravely added: "The credibility of Wadsworth's statements was not questioned in his day, and cannot, therefore, now be fairly questioned." Similarly, another priest-hunter, Thomas Gage, is cited; and, say the editors, "his account of the lax and pliable morality of the Jesuits accords with that of Wadsworth. Aggrandizement in wealth and power was the fixed and primary object of the Society; and no right or interest of private individuals, or even of any Catholic Order or community, was suffered to stand in the way of its attainment. The end sanctified the means." At this point the editors approach the great question of American colonization, the whole of their treatise being a diffusive annotation on Captain Thomas Yong's letter, dated James Town City (Virginia), July 13, (1634), to Sir Tobie Matthew.

We are told that James I., having come under the influence of Gondomar, Spanish ambassador, Catholics were liberated from prison; "and soon after, two or three hundred Jesuits<sup>2</sup> made their appearance in the streets of London, some of them wearing the habits of their Order." Disastrous were the consequences with "weak, uninformed ladies," as Clarendon reports; for one English countess assigned £30,000 for the maintenance of the Jesuit college at Liège; and the Countess of Shrewsbury gave £8000, "as a beginning," to the college at Ghent. Such heavy contributions, "to the disappointment and detriment of family and other expectants," were the most provoking among the causes which excited "the rage and destroyed the charity of great and powerful families." These disappointed expectants longed for the suppression of the Papists. But Matthew's star was rising high. He was addressed in a brief by Pope Urban VIII. His name was prominent "on the list of reputed candidates" for a Cardinal's hat. Indeed, for that matter, Pope Urban himself "had been educated at a Jesuit school; and all Jesuits, especially in England, would have urged the appointment of one of their own Order." Standing thus high with the Papal court, Matthew and his fellow-Jesuits declared war against

Gathering  
funds.  
A soap  
monopoly.

<sup>1</sup> Cf. History, I. 521.

<sup>2</sup> This would seem to be a slip for "2000 or 3000 Jesuits," since every notability, if obnoxious, appears to have been a Jesuit. However, the highest number of Jesuit Fathers attending the London mission, 1620-1625, was 28. See Foley, *Collectanea*, pp. lxxi.-lxxiii.

Richard Smith, Bishop of Chalcedon, "a Benedictine" [!], and obtained his removal from England. "Having thus freed themselves from the thralldom of a rival Order, the Jesuits in England turned their attention to a more worldly project for gaining wealth, by obtaining a monopoly for the manufacture of soap. An act of incorporation was obtained for the soap company."<sup>3</sup>

This was practically "a guarantee for the safety of the English Jesuits. But another advantage gained, of great importance in the estimation of a person of Matthew's intelligence and ardent enterprise, was that ample provision was secured for defraying the expense of new establishments and missions contemplated in foreign countries. His zealous and active imagination could hardly fail to have been stimulated by the flattering accounts of the wealth and power attained in the Jesuit missions of the Portuguese by the efforts of François Xavier, Menezes [!], etc., in Japan, the Philippines, Malabar, Goa, and elsewhere in the East Indies, and of the Spaniards in the New World. Other circumstances gave a particular direction to his aims and exertions." These other circumstances, as we shall now see, were the enterprises of Sir George Calvert; and the soap monopoly, as we have already seen, supplied the funds.<sup>4</sup>

Sir George Calvert's "conversion to the Romish faith, only suspected at the time of his resigning the secretaryship [*of State*], ceased to be a matter of doubt when it was publicly known that he had gone to the north of England in company with Sir Tobias Matthew, whom Rushworth calls 'a Jesuited priest of the order of politicians.'" The editors proceed to tell us: "Sir George [*Calvert*] became not only a Catholic, but a Catholic of Matthew's own brotherhood, a Jesuit; and so, of course, became his son and heir [*Cecil*] after him." When George, now Lord Baltimore, had abandoned Newfoundland, and was looking about

An American establishment proposed.

The Baltimore and Jesuit brotherhood.

<sup>3</sup> Since our acquaintance with the subject did not qualify us here for gauging the accuracy of this contribution to history, the less so as the editors did not allow it to transpire, what could possibly be the connection between their sombre Jesuits and a domestic article quite incapable of washing their Ethiops fair, we had perforce at this point to verify the statement in the authorities cited: "II. Rushworth, pp. 186, 143, 215; I. Clarendon's *Reb.*, p. 143." Passing over the misquotations to which nothing corresponded, we found the critical outcome to be that, according to Clarendon, the corporation for soap-making was "almost a corporation of that [*the Papist*] religion"; and, in Rushworth's list of incorporating "Esquires," the name, "George Gage," is entered. There is no word about Jesuits; and, of course, no Jesuit is there. Hence the connection between them and soap would seem to have evolved from some benevolent wish of the Massachusetts annotators. (II. Clarendon's *Rebellion*, 98; II. Rushworth, 186.)

<sup>4</sup> When we are merely quoting such sources, we crave the indulgence which we grant, leaving them to their licence in geography, biography, and many sciences.



him in Virginia, the correspondence of views between him and the arch-Jesuit, Sir Tobie Matthew, could not have been more absolute. "Except in regard to the permanent family property in the soil, and the absolute civil authority secured to Lord Baltimore, they were both acting in concert and pursuing one common purpose, that of establishing a firm foothold for the Catholic religion in two adjoining colonies [*Virginia and Maryland*], which would be likely to support and protect each other, and to counterbalance the growing Protestant influence of the more northern portions of the New World, which had recently been abundantly and exclusively favoured by the Council of New England. Of the value of Matthew's co-operation in such an undertaking some estimate may be formed even from the account or caricature [!] given of him eight or ten years later by Habernfield." Here the editors import into their dissertation a caricature drawn by another, which was not quite necessary: *Noctuas Athenas mittere*.<sup>5</sup>

The reverend Fathers, sent out by Cecil Calvert, second Lord Baltimore, "were all Jesuits, and by them the infant colony was piously placed under the protection of its patron-Saint, Ignatius Loyola, the founder of the Order of the Jesuits.

The critical condition of Virginia.

It was much the same in the sister enterprise [*regarding Virginia*]. Captain Yong, and his lieutenant and nephew [*George Evelin*], who had been selected by Matthew and his unknown associates to conduct it, were probably preferred for the reason that they were Jesuits. They certainly were Catholics."<sup>6</sup> Yong's enterprise was somewhat abortive, since "he had not authority to take possession of the [*Virginian*] territory, except in the king's name"; hence no Catholic invested himself with the proprietorship. Gabriel Hawley was "made surveyor of Virginia, in which he was probably the only Catholic." His brother, Jerome Hawley, was appointed treasurer of the same colony; and then Robert Evelin succeeded Gabriel Hawley as surveyor. Here were three appointments of Catholics to posts in Virginia, "and it can hardly be doubted that the Jesuits in England connected with the projects of colonization in North America, who in 1637 had apparently reached the summit of royal favour, had, with the queen's help, prevailed on the king to force upon

<sup>5</sup> Since the owl, *noctua*, was sacred to the goddess Pallas or Minerva, patroness of Athens, this nocturnal bird of wisdom was found there at every turn, whether alive or in effigy, painted, plastered, sculptured, or stamped on coins. Hence it was not necessary then, nor is it necessary now, to import any such article into a similar centre of culture.

<sup>6</sup> This antithesis shows that the writers were not ignorant of some distinction between the genus, Catholic, and the specific class, Jesuit.

the sturdy and jealous Protestants of Virginia this unwelcome mixture of Catholic officials, by flattering his hopes of increased revenue, while their own main purpose was to confirm and strengthen their own colonial power, and to reduce comparatively that of Virginia." This induction which, say the editors, "can hardly be doubted," and which shall be the last of our extracts, leaves us with a Massachusetts conception of Virginia; that three stray Catholics, profaning at different times the Virginian soil, were as unwelcome to the liberality, as the same three, if functionaries, were menacing to the liberty of a "sturdy and jealous" Protestant colony.<sup>7</sup>

This sketch of the matter contained in our former volume we forbear criticizing. We merely notice that, as in the extracts just taken from the essay of the recent Massachusetts editors, so in our pages generally, derived from times more remote and less cultured, we feel no difficulty in speaking of Jesuits, Catholics, and the Church, under the names commonly employed by the persons speaking. Those names or titles are such as "Romish," Nicknames. "Popish," "Papist," and the like. We find also the word "Papishes" used. Such nicknames serve to fix the psychological and moral features of the people who spoke, and to keep the reader in the atmosphere where those persons breathed—an atmosphere of nervous respect, of fear and hate for Catholics, all finding expression in a vocabulary of abjuration, abhorrency, and contempt. Minds were always in the attitude of implicitly renouncing and abjuring

<sup>7</sup> *Massachusetts Historical Society Collections*, 4th series, ix., *Aspinwall Papers*, 1871, pp. 81-101, a note on the letter of Captain Thomas Yong, "James Town Cittie," July 18 (1694), to Sir Tobie Matthew. The editors of this volume were Thomas Aspinwall (chairman), George E. Ellis, William S. Bartlett, John Langdon Sibley. We consider that the note should be entirely ascribed to Aspinwall, and that the other responsible members of the committee on publication were to be excused, except for contributory negligence. Aspinwall had collected in Europe some scattered papers of "the late George Chalmers, the distinguished American annalist," besides some other documents (*Ibid.*, *Prefatory Remarks*). There was further erudition which he went to look for in Pascal on the Jesuits, Townsend's *Accusation of the Church of Rome*, Clarendon's *Rebellion*, Hume, Rushworth, Wadsworth, Gage, Hazard, divers dictionaries, and other such kith and kin. Some of the things he considered to be true because he found them; others, because he wanted them. He placed all at the service of the Massachusetts Historical Society, which requited his courtesy by putting a volume of its *Collections* at his service. He was made chairman of the publishing committee, and the ninth volume of the fourth series assumed the pretentious title of *Aspinwall Papers*. The other responsible gentlemen exercised a benevolent tolerance in allowing him a free hand to edit as he liked. In the first 149 pages he reproduced seven Virginian papers, which could have been despatched in 47 pages of text, but he loaded them with an essay in footnotes and small print which equals 204 pages of text. He was charging the Society 400 per cent. for its courtesy. The character of his erudition we have seen. The indulgent tolerance of the other editors on this occasion, and of the Massachusetts Historical Society here as well as elsewhere, we cannot but admire and acknowledge.

Catholicity, and fortifying themselves in the renunciation. Sometimes, like the lady in Shakespeare, they did protest too much ; and they swore, as Cowper says, till affirmance bred a doubt. But they had acquired a name by the function of protesting ; and the corporate existence which they enjoyed was commensurate with their exercise of that function. Catholics might, indeed, have paid more honour to this expansion of feeling by showing less indifference, or reciprocating with nicknames to match. But, for our part, we feel that it costs too much of an effort to shake off the sense of respect which is due to others, and to decline giving them the names which they desire. Hence we must be allowed in this work the indolent pleasure of mentioning all with due regard ; and be borne with in our indifference, if we name Catholics and Jesuits by those terms which hate and fear, contempt and respect, conspired to vent upon them.

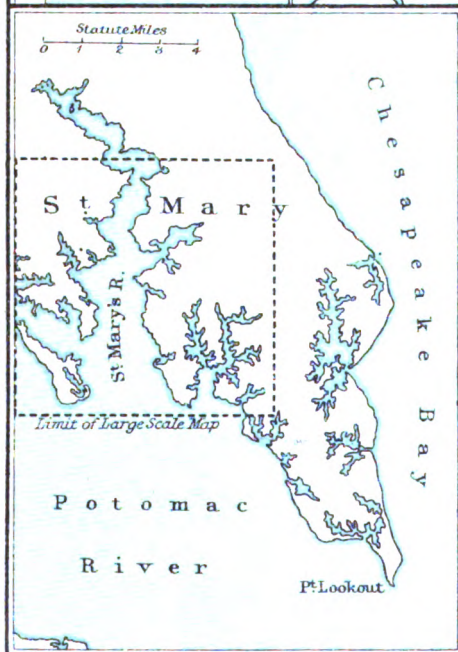
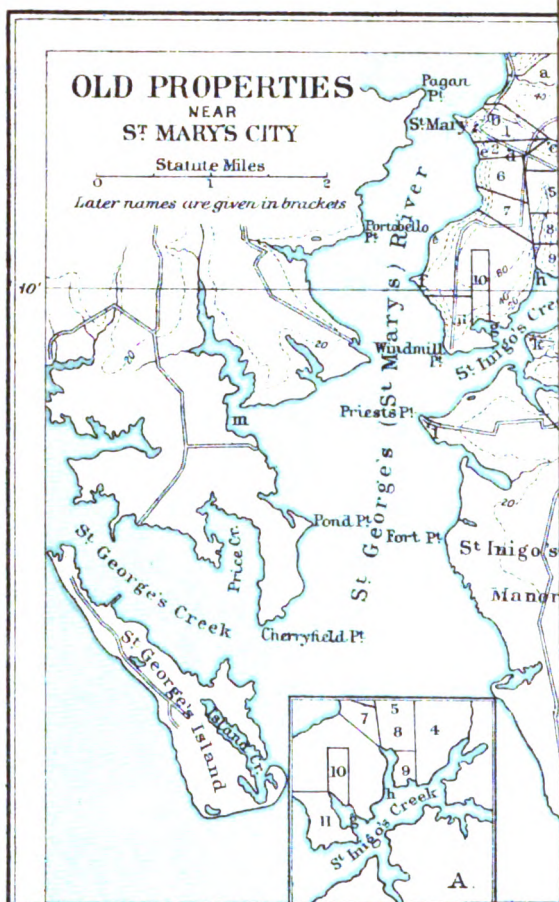
§ 78. Governor Leonard Calvert, after receiving from King Charles I. (January 26, 1644) a commission to seize on ships belonging to the Parliamentary party, and to appropriate the prizes, found himself on his return to America not only without prizes, but without a province. Maryland had been lost to the king, to the proprietary, and himself. A party of Virginians had reassumed the ancient rights of Virginia over the territory parcelled out to the Baltimores. Four years prior to this date they had made an attempt to recover Maryland in a legal form, by taking out again the original Virginia patent under the broad seal of England (1640).<sup>1</sup> Now it was a more compendious way that offered itself for revising the question of rights. The royal army in England being routed by Cromwell at Marston Moor (July 2, 1644), possession was taken of Maryland by Captain Ingle, William Clayborne, and a force of Virginians, not without a reinforcement of "the inhabitants of St. Maries."<sup>2</sup>

The lives and fortunes of royalists, Catholics, and missionaries were completely at the mercy of the Virginians and the rebels. During well-nigh two years the province groaned under the oppression of the "pirate Ingle" and his accomplices. Most of the loyalists were "spoiled of their whole estate and sent away as banished persons out of the province ; those few that remained were plundered and deprived in a manner of all livelihood and

<sup>1</sup> P. R. O., *Cal.*, v. § 86, xix.

<sup>2</sup> *Arch. Md., Assembly*, p. 209 ; December 29, 1646.





1. Gove
2. Chap
3. St. P
4. St. M
5. The
6. Whit
7. Siste
8. Clark
9. Lewi
10. St. P
11. St. In
- A. St. In

- a. St. Jo
- b. Mill C
- c. St. Pe
- d. Chap
- e. St. Pe
- f. Chand
- g. St. Pe
- h. St. Av
- i. Hill B
- k. Cross
- l. St. In
- m. Wickl
- on

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subsistence.”<sup>3</sup> Not far from the St. Inigoes residence of the Jesuit Fathers, a troop of soldiers, “really unjust robbers, English by race, but heterodox in religion,” built a fort some five miles distant from the body of the settlement,<sup>4</sup> and raided the district for arms, powder, or whatever else their predatory instincts coveted.<sup>5</sup>

There had been five missionaries in Maryland at the time of the irruption. Two, or perhaps three of them, fell into the hands of the marauders. Andrew White and Philip Fisher, “who was called by his family name Copley,” were de- Fate of the  
five Jesuits. ported to England and consigned to the mercies of the Parliament. A third missionary, Roger Rigbie, is registered for the years 1644 and 1645 as being in Maryland; yet in another register, for 1645, he is recorded as being in the residence of St. Ignatius, London, with White and Copley.<sup>6</sup> If Rigbie was really taken and deported with White and Copley, he must have found his way back to America very soon. In the next year, 1646, he met his death in Virginia, at the early age of thirty-eight. His two companions, Hartwell and Cooper, the former aged thirty-nine, the latter thirty-six, likewise succumbed to the same fate in the same colony, and in the same year. We have adverted already to the suspiciousness of this circumstance, that three young Jesuit priests should have died in the same year while they were practically in the hands of enemies.<sup>7</sup> We have been rather confirmed in our suspicions by a phrase which occurs in a Propaganda document for 1662. The Provincial of England, Edward Courtney, closed an ample report with a paragraph on America, saying, that to Maryland “there were sent many years ago some Fathers who, after having worked steadily both to help the Catholics and to convert the barbarians, died almost all of them, either through the unhealthiness of the climate, or through the cruelty of the heretics, or in consequence of their labours.”<sup>8</sup> The “cruelty of heretics” as a cause of death can apply to none, as far as we discern, except to this party of three in 1646, or to Father Sankey, in 1657, all of whom had taken refuge in Virginia. Of Father Copley’s death, in 1652, its manner or place, we have no particulars; nor do we wish to raise any doubt. It coincided with the arrival in Maryland of the Parliamentary

<sup>3</sup> *Arch. Ma., Assembly*, p. 288; April, 1649.

<sup>4</sup> Cf. map of St. Mary’s, opposite; Fort Point, on St. Inigoes Manor.

<sup>5</sup> *Documents*, I. No. 8, N.

<sup>6</sup> *Anglia, Catal.* 8, “1644 et 45”; *Catal.* 1, 1645.

<sup>7</sup> *History*, I. 568.

<sup>8</sup> *Prop., Acta*, November 27, 1662, 13°, f. 292<sup>v</sup>; cf. *infra*, p. 70.

commissioners, Richard Bennett and William Clayborne, who disposed of things as they chose.

At present we follow the prisoners to England. White and Copley were presented for trial in London. Their crime was that of being priests and returning to the country. By the statute 27 Eliz., c. ii. (1584-5), such persons were deemed traitors, to be hanged and quartered, and all their receivers were felons without benefit of clergy. Of course, if they chose to submit and take the oath of supremacy, they would enjoy the same immunities and privileges as most Englishmen had secured by submissiveness and self-renunciation.<sup>9</sup> The Fathers replied that they had not come into England; they had been captured in another place, and been brought thither against their will. The plea was valid, and they were ordered to abandon the realm.<sup>10</sup> Neither of them did so. White must have been captured again, and this time the former plea would no longer hold. His case was that of sheer Christian contumacy. During three years he lay in prison with the sentence of death hanging over him.

Outside of the regime administered in the twentieth century by a Portuguese or other such republic, we can form very little idea to-day of what imprisonment was in those times, and has been up to a very recent date. It was not merely the crudity of Middle Age prisons which afflicted the inmates. In the Middle Ages there were numberless alleviations—temporal and spiritual—for the victims of crime when punished by human justice. All classes of society, from a King Wenceslaus on his throne to the simplest burgher in his guild or confraternity, did honour to the corporal works of mercy by visiting the imprisoned, feeding the hungry, giving drink to the thirsty, and clothing the naked. Christian confraternities had multiplied for the service of these suffering fellow-Christians, yes, and for suffering Turks. But the epoch and the spirit which had witnessed and effected in England the confiscation and extinction of every Catholic charity, had also obliterated the code of charitable alleviation for the outcasts of society. The idea of a "gaoler" naturally reverted to the old pagan conception of a "tormentor," or "torturer," as we see intimated in a parable of the New Testament.<sup>11</sup> Massachusetts paid ample respect to this conception of a gaoler, when, in its law on prisons, it instructed the master

<sup>9</sup> Cf. History, I. 90.

<sup>10</sup> Documents, I. No. 8, M.: More's account of the trial.

<sup>11</sup> Matt. xviii. 30, 34, "Cast him into prison, till he paid the debt"; "delivered him to the torturers, until he paid all the debt": τοὺς βασανιστὰς.

of the houses of correction, that "every delinquent committed to his custody he shall cause to be whipped at their entrance, not exceeding ten stripes."<sup>12</sup>

It had been a practice of Father White to fast two entire days every week, taking nothing but bread and water. Prison life introduced no modification in his devotion. It happened one day that the gaoler dropped into his cell, A Christian prisoner's comfort. "while he was beguiling his hunger in this malignant fashion." Said the gaoler in astonishment, "What are you about? What need has a man so old as you of so severe a fast? If you wear out your body with such asperity, you will not have strength to hold yourself upright and hang from the gibbet at Tyburn!" We cannot say whether the good man was anxious about the fees and largesses of that auspicious day, when he should hand over the prisoner safe and sound to the patrons of Tyburn-tree; since, indeed, it was a great day for all good Catholics, when they escorted a martyr's hurdle and attended the passage of his soul to God. Father White answered, "It is fasting that gives plenty of strength for suffering anything on behalf of Christ our Lord."<sup>13</sup> He was kept in prison for more than three years. Then Father Bollandus, writing from Antwerp, said, "Though there had often been question of executing him, he was at last, contrary to expectation, sent to Holland, whence on his arrival he was brought hither, without passports, by an heretical captain."<sup>14</sup>

§ 79. White had scarcely arrived in Belgium when his authority was cited in a very troublesome matter, politico-religious in its nature. A project had been started by certain Catholics, Englishmen but Gallicans, to invoke the power of the heterodox A Gallican plot and Maryland. Parliament for furthering a purpose of their own. They were plotting to expel from England into far-off Maryland another class of Catholics who did not agree with them in religious and political views; and the Jesuits they proposed to rid the realm of altogether. Singularly enough, there was at the same time a totally distinct negotiation in progress, to provide the Catholics who were already in Maryland, a colony under the British Crown, with a

<sup>12</sup> *Abridgement of Laws*, p. 88. This welcome of a new-comer in gaol was not conceived by the Massachusetts Fathers to be torment or torture. For another law of theirs permitted and regulated the application of "torture," to be applied under benign restrictions after conviction (*Ibid.*, pp. 84, 86).

<sup>13</sup> *Anglia, Hist.*, v. p. 584: *Litt. Ann.*, 1656, date of White's death.

<sup>14</sup> *Documents*, I. No. 8, P; March, 1648.



refuge and a home in the West Indies, colonies under the Spanish Crown.

On the subject of the former project, which was being executed by means of a petition and certain propositions to Cromwell's Parliament, the General wrote to the Provincial, Henry Bedingfeld or Silesdon: "As to the petition for sending Catholics out [*of England*] into Maryland, I do not think it expedient that Ours [*in Rome*] should take part in procuring its condemnation."<sup>1</sup> At the moment when the General was writing this, a number of Catholics in England endeavoured to forestall negotiations with Parliament by signing an agreement with the Parliamentary commander, Sir Thomas Fairfax. The signatures were those of five or six Catholic barons, fifty more of the gentry in London, eight prominent ecclesiastics of the secular and regular clergy, with two Jesuits besides, Father Henry More, formerly Provincial, and Father George Ward, theologian. The paper to which they rather precipitately put their names came to be known as "The Three Propositions." In the debates which followed, and the apologies offered by the two Jesuits to the General, Fathers White and Morley were cited as having supported More and Ward in their action.

In this episode, the particulars of which we summarize in an Appendix,<sup>2</sup> there were two points which concerned the American colony. One was that, whereas the Cromwellian formula had been, "Off to Virginia," or "Off to Barbados," for the Scotch prisoners taken at Dunbar, Irish Catholics taken anywhere, and Irish boys and girls kidnapped by the hundreds and thousands,<sup>3</sup> the plot of the Gallican Catholic agitators in 1647 introduced the variation, "Off to Maryland," as the lot of English Roman Catholics. Another point in the episode was that Fathers More and Morley were ordered by the General to leave England and repair to the Continent, where from the beginning of 1648 Father More remained during many years. Hence there is no probability in the theory advanced by an American writer, that the same Father Thomas More was Lord Baltimore's adviser or draftsman in preparing the Act of Religion, which more than a year later issued as a law from the Maryland assembly (April, 1649).<sup>4</sup> Whether Cecil Lord Baltimore was one of the five or six Catholic barons who signed the same Propositions with Father More, we cannot say.

<sup>1</sup> Documents, I. No. 6, 8; May 11, 1647.

<sup>2</sup> Appendix A (p. 618, *seq.*), "The Three Propositions."

<sup>3</sup> Cf. History, I. 282-284.

<sup>4</sup> *Infra*, pp. 86, 646.

As to the other project, which contemplated the migration of Catholics from Maryland to a safer soil, and the change of their allegiance from the English to a friendly flag, we discern in this negotiation the hand of Father Copley. After his discharge in court he seems to have been at liberty. His acquittal from the charge of high treason for having come to England was indeed accompanied with a strict mandate to leave the realm. But he preferred to stay where he was, like one hundred and fifty other Jesuits scattered about the country. The prospect of a three years' detention in Newgate with Father White, and of dangling eventually from Tyburn-tree, was a healthy atmosphere to breathe in, and a stimulus to do some good in times so evil. The policy of Sir Thomas Fairfax, commander-in-chief of the Parliamentarians, had not assumed the rabid character of his subordinate Cromwellians; and Copley's qualification of being half a Spaniard, through the circumstance of his birth in Madrid, may have served him well at present, as it had done on a former occasion. His was the privilege of not being altogether an Englishman.<sup>5</sup> Now, in 1646, one year after Copley's acquittal, some one of the Society essayed to obtain from the King of Spain certain "islands near to Virginia." The General, while sympathizing with the Maryland Catholics, objected to Jesuits being involved in such "embassies." Still, if the matter was too far advanced, he would wait and watch.<sup>6</sup>

Proposed migration from Maryland to West Indies.

Then, while the plot of the Gallicans was developing against the general body of English Catholics (1647), the two figures of Lord Baltimore and his former secretary, John Lewger, emerged into view under different aspects.

John Lewger had apparently returned to England with Fathers White and Copley, whether as a fellow-prisoner, or by his own choice. In fact, the Jesuits were not without companions in misfortune. Giles Brent, for instance, one of the great men in the colony, had been "carried unjustly unto England prisoner," as he stated in 1648.<sup>7</sup> Anthony à Wood tells us of John Lewger that, "after he had spent several years [*in Maryland*], and had buried his wife, he returned into England some years before the Restoration of King Charles II., with Father Andrew White, a Jesuit, who had been sent thither to gain the barbarians to his religion." We infer that Lewger, having returned to England in 1645, became a priest

John Lewger.

<sup>5</sup> History, I. 366.

<sup>6</sup> Documents, I. No. 6, Q; November 10, 1646.

<sup>7</sup> Arch. Md., Court Business, p. 418.

before 1647. His reputation for learning served, no doubt, to abridge the period of preparation, though the substance of his learning, uncorrected by sound divinity, left him to some degree in the same mental condition as he had been in the days of his Protestantism. He was back in Maryland again "for one whole yeare or more, before October, 1648."<sup>8</sup>

The Provincial Silesdon seems to have thought that Lewger's intention was to remain in Maryland. At all events, in 1647, the General was informed that "a secular priest now labouring there" asked for admission into the Society. He signified his disapproval, unless the applicant were recalled to England or to Belgium for a regular novitiate. The General continued, "As there is no one of Ours there at present, and I judge that none are to be sent if the right honourable lord proprietary continues to annoy us,<sup>9</sup> demanding conditions opposed to ecclesiastical immunity, who would instruct our novice there? who would be the director of his conscience? I think it much better that he be accorded the privilege of communication in the merits of our Society, and receive the promise of admission at the hour of death. In the mean time, being joined to us by the bond of charity, he may be left to till that vineyard—unless, perchance, as I said, you think fit to call him over for a novitiate."<sup>10</sup> But only seven months later, "Mr. Leugar," expressly so named by the General, would seem to be back in England, urging his demand for admission into the Order. The answer now returned to the Provincial was that the latter should "try his constancy yet a little longer for a year or two; and then admit him, as shall seem best for the glory of God."<sup>11</sup> After this, not a year had elapsed before Silesdon reported something, which elicited the following remark from the General: "As to the conversion of the right honourable baron, proprietary of Maryland, and his secretary, it is clear enough that he<sup>12</sup> has drunk of the muddy waters in the way of Egypt, and is imbued with principles not at all sound; and it is to be feared that not a few others are infected with the same. But I do not see what remedy can be applied, especially in these dubious times, and in a place where every

<sup>8</sup> Wood, *Ath. Oxon.*, s.v., "John Lewger."—*Arch. Md., Assembly*, p. 268: Baltimore, London, August 26, 1649, speaking of Lewger in London, "here," but without specific date.—*Ibid.*, *Court Business*, p. 418; 1648.—*Cf. History*, I. 351-358, 417, on Lewger's intellectual equipment.

<sup>9</sup> "*Nobis negotium facessere*," which might be rendered, "to pester us."

<sup>10</sup> *Documents*, I. No. 6, 8; May 11, 1647.

<sup>11</sup> *Ibid.*, No. 6, U; December 28, 1647.

<sup>12</sup> *Ipsium*, apparently the baron.

body thinks with impunity what he likes." <sup>13</sup> Silesdon seems to have desired some intervention from the side of Rome. Thenceforward, as we learn from Anthony à Wood, Lewger continued to reside "in Wild Street near London, in the house of the said Lord Baltimore, where he wrote *Erastus Junior*, as well as *Erastus Senior*." <sup>14</sup>

§ 80. It is clear from the General's letter just cited that in May, 1647, Maryland was forbidden ground for the Jesuits, because of the "annoyance" caused by the Baron of Baltimore. The course of events at the same time showed that the colony, though it ranked as an Indian or foreign mission, was excluded by the General altogether from the list of missions. In the very letter which treated of several matters concerning Maryland, and of the obstruction existing there, he spoke of the English Jesuits who were offering themselves for the Indian missions, and who should certainly meet with no discouragement on his part, if they were asked for by the authorities concerned. But the lists of candidates were complete for all present purposes; and he could only comfort the Englishmen by saying, "Perhaps at another time there will be a new opportunity." <sup>1</sup> Here the oblivion into which Maryland had sunk was evident.

The Maryland mission to be dropped, May, 1647.

The annoyance at the time we take to have been that of the unilateral Concordat,<sup>2</sup> which agreed with Baltimore's previous drafts of the Points and the Surrender.<sup>3</sup> It had the special merit of being much more comprehensive, with notable developments of the former drafts. Like them, it purported to issue from the office of the Provincial himself, who of his own free choice made promises to the lord proprietary, and a compact with him, as if suing for admission into Baltimore's palatinate.<sup>4</sup> In this attitude, the Provincial was represented as signing away, for the exclusive benefit of Cecil Lord Baltimore and his heirs, the possession of any land assigned by Indians, or ever to be assigned by them, for the spiritual service of the natives at the hands of Jesuit missionaries. Nay, whatever property might come to the Jesuits from white colonists by purchase, donation, testament, or in any other way, should instantly pass into the proprietary's

Baltimore's draft of a Concordat (1647).

<sup>13</sup> Documents, I. No. 6, X; November 7, 1648.

<sup>14</sup> Loc. cit. Cf. History, I. 851, 852. Wild Street is now far down in the heart of London.

<sup>1</sup> Documents, I. No. 6, 8; May 11, 1647.

<sup>2</sup> Ibid., No. 22, without date.

<sup>3</sup> Ibid., Nos. 15, 21.—History, I. 505-514, 529-581.

<sup>4</sup> "Paciscor"; "hujus instrumenti promissionis et pacti."

hands, and be of no avail for any other purpose whatsoever, "by virtue of the present document." This devolution was to take place because of the "Statutes of Mortmain now in force in England," unless a special licence in writing should first have been obtained from his lordship or heirs, for the acquisition or possession of the property. The civil status of the Society in Maryland was defined to be that, which at the same time should happen to be publicly granted in England by the Government of that kingdom to the Society or the Roman Church. Still only non-Catholics should have the right of criminal prosecution against Jesuits, unless it were a case for capital punishment, when Catholics too might lend a hand.<sup>5</sup> No Jesuit was ever to set foot in Maryland without a special permission each time from the baron or his heirs. He or his heirs might transport out of the province any member or members of the Society, at present there or ever to be sent thither, for any reason which pleased the said baron or his heirs. But, in case the conduct of the said Jesuit or Jesuits had been irreproachable, the person or persons so ejected should be entitled to a compensation for the damage; only that, since the terminus of the transportation might be anywhere as suited the baron's convenience, so the compensation, to the value of £20 sterling, might be as the baron thought fit, in tobacco or in kind, not necessarily in money.<sup>6</sup> This largess, however, was reserved only for such as "willingly, without compulsion," would allow themselves to be ejected by his lordship or heirs, and thus should merit the reward of £20 hush-money or tobacco hogsheads. Then the Provincial was made to pose as enjoining on all his men the most absolute devotion, in word and work, to Lord Baltimore and heirs, by defence and maintenance of all that concerned the rights of the same, by espionage and denunciation of all others who should be thought to fall short of fidelity to the same.

<sup>5</sup> The language is obscure (3°, *ad fin.*). As the paragraph stands, Catholics are privileged to prosecute a Jesuit for high treason, on the ground of his being a priest, or on any other ground which was made high treason by the Protestant statutes, from Elizabeth's time to Cromwell's.

There is an English copy of this document, belonging to the old Jesuit mission, but now in the diocesan archives of Baltimore. Cf. *Documents*, I. No. 217, note 36, p. 1181. It may represent Lord Baltimore's original text. It exhibits the same structural ambiguity here, with a remarkable clause alluding to "other [!] Catholic countries"; as if his lordship considered Maryland a Catholic country. See the reprint in Russell, *Maryland*, pp. 588-542. Our Latin text has only "Catholic countries," without the connoting adjective.

<sup>6</sup> In this paragraph (5°), Baltimore's language agrees remarkably with that of the Orange law (Irish Statutes), 9 Gul. III., c. 26, § 1; that all Popish archbishops, bishops, etc., shall remain in prison, till they shall be transported out of his Majesty's dominions, wherever (whithersoever) his Majesty or the chief governors of this kingdom shall think fit.

All this vassalage was expressed in an extensive oath of fidelity, which the Provincial was supposed to write out in full, and impose on each and every missionary now in Maryland, or ever to be sent thither. They were also to busy themselves in private conversation, and to use their public character, apparently from the pulpit, in propagating this doctrine. Finally, the Provincial was made to aver that his signature to this "instrument of promise and agreement" bound all his "successors who shall be Provincials or Superiors of our Society in the English mission," and likewise all missionaries in Maryland.<sup>7</sup>

The devolution of Jesuit property by an automatic process into the hands of the lord proprietary, thus sued for from the Provincial and made to appear as granted by him in a deed, was inserted as an article of public policy in Conditions of Plantation, propounded by Lord Baltimore in 1648; which we take to be one year after the present futile effort made with the English Superior of the Jesuits.<sup>8</sup> But in those subsequent Conditions of Plantation the policy assumed an extraordinary amplitude. It made the property of all societies, of all corporations, spiritual and temporal, subject to the same escheat. It subjected likewise all individual proprietors to the forfeiture of property, if they presumed to make any corporate body the recipient of their bounty, or a party to a contract. Under the guise of settling Conditions for selling land to colonists, Cecil Lord Baltimore introduced a whole series of English mortmain statutes into the colony, without any colonial re-enactment, which however, according to his charter, was indispensable for introducing English laws.

There was always, indeed, the proviso about obtaining a licence from the proprietary. But what that meant in practice, at least with respect to the missionaries, will appear when we come to speak of the Conditions of Plantation issued, and of a feudalism, the like of which was not to be seen on the American continent.<sup>9</sup> As regards the Church, Baltimore's feudalism had never been witnessed in European civilization, until a royal supremacy made a lay man or

<sup>7</sup> Documents, I. No. 22; (1647).—*Cf. History*, I. 430-433, 534, 544.—For English copy of this Concordat, see Russell, *loc. cit.*—For the series of documents dating from that time, and comprising this Concordat, see our reproductions from the Stonyhurst MSS. (*Anglia A*, iv. 108), the Md.-N.Y. Province archives, and the Vatican archives, in Documents, I. Nos. 4, 11, 12, 13, 14, 15, 18, 21, 22.—For the parallel documents from the Generals, see the letters, *Ibid.*, No. 5, T-No. 6, U (1641-1647).

<sup>8</sup> See *infra*, §§ 83, 84.

<sup>9</sup> See *infra*, pp. 28-33; Appendix C (p. 624, *seq.*), "Conditions of Plantation: Feudalism: Jesuits."

woman the high priest of an ecclesiastical establishment. And yet that age did not see ideas carried so far as the proprietary of Maryland advanced his. He went beyond the anti-charitable "mortmain" of a hundred years later under George II., and arrived by anticipation at that of the nineteenth and twentieth centuries.<sup>10</sup> The State of Maryland bears to-day the residual traces of Cecil Lord Baltimore's unconstitutional secularism.

It is perfectly clear why the General of the Society attached no further importance to Maryland. But as, in the high office which he filled with a vast administration on his hands, we may not credit him with having discerned or cared for the minuter, technical, and local aspects of the question submitted to him, it remains for us to note the curiosities of the paper submitted as a Concordat by Baltimore. We do so in an Appendix.<sup>11</sup>

Meanwhile, it is gratifying to observe that the chief authority of the Order had found time for considering the modest beginnings in

America, and that Father Vitelleschi, in particular, had given thought to writing such nice letters as we have already reproduced, on the exactions of Lord Baltimore.<sup>12</sup>

Maryland counted only as one Jesuit missionary residence among so many which were spread, in an ever-increasing organization over the world. Twenty-eight years before his last letters concerning Maryland, Vitelleschi, entering on office in 1616, had to supervise as General 123 missionary stations and residences, ranging from the isles of Greece to Japan and the Philippines in the Pacific, and from the British Isles, from Scotland and Ireland, to Paraguay and California, washed by the same Pacific Ocean. Besides that, he had 32 fully organized Provinces on his hands; 23 professed houses; 41 novitiates; 372 colleges; and 13,112 members in the Society, although only three-quarters of a century had passed since the foundation of the Order.<sup>13</sup> In the twenty-eight years of Vitelleschi's government, the growth was still more dense; and the minute colony of Lord Baltimore had shot out its little sprout. Nevertheless, in the great sphere of a world-wide activity, where everything, if cared for at all, was worth caring for well, the little enterprise of Maryland had not failed to be honoured with a sufficient degree of specific and considerate attention.

The Jesuit  
General's  
regard for  
Maryland.

<sup>10</sup> See Appendix D (p. 658, *seq.*), "Charity and Mortmain."

<sup>11</sup> See Appendix B (p. 620, *seq.*), "The Concordat."

<sup>12</sup> History, I. 557, 558.—Documents, I. No. 6, G, H.

<sup>13</sup> Schmitt, col. 140.—Rosa, p. 269. Cf. *infra*, p. 72, for 1679.

§ 81. Only a few months after the General Carrafa had drawn a curtain over the mission defunct, an application was made to the Provincial Silesdon on behalf of the desolate colony. The province had no spiritual ministry at its service. The secular clergy, imported to supplant the Jesuits, had long since vanished.<sup>1</sup> The secular priest Lewger was evidently no longer there. Religion was still an asset, since without it people would never have gone to Maryland, and without it some of those would not stay there. Of the former circumstance, Lord Baltimore's *Declaration or Account of the Colony* was a proof.<sup>2</sup> As a sign of the latter, we have noticed Captain Cornwaleys's resolute declaration to the same Baltimore about "withdrawing" himself from an unholy place;<sup>3</sup> and we have seen Governor Leonard Calvert's policy, which would have kept the Jesuits in the province by force.<sup>4</sup> The application now made for spiritual assistance must have had some authority to give it weight, and excuse the Provincial for trespassing on the General so soon after the ultimatum of the latter.

Here we observe that six years had completely altered the position of the Jesuit authorities with relation to one another; though the views entertained respecting the questions involved were the same as before. The preceding Provincial, Father Knott, had proposed the dissolution of the mission; while the General Vitelleschi, siding with the local superior Poulton, looked with disfavour on Knott's proposal.<sup>5</sup> Now it was the General Carrafa who had imposed on the Provincial Silesdon the discontinuance of the mission, while the latter came forward advocating the resumption of work.

Reversal of  
Jesuit opinion  
on Maryland,  
1641-1647.

But their views of the questions involved were consistent throughout. The former General Vitelleschi had pronounced all the demands of Baltimore inadmissible.<sup>6</sup> He did entertain the idea of resigning property rights; and, as to the manner of acquisition in the future, he made the same concession which Copley long before had granted on his own account, that such acquisition should be, as Baltimore desired, subject to a special licence from the proprietary.<sup>7</sup> In different communications he stated

The situation  
identical.

<sup>1</sup> Cf. History, I. 586-588.

<sup>2</sup> *Ibid.*, 250, 251.

<sup>3</sup> *Ibid.*, 407.

<sup>4</sup> *Ibid.*, 532-534.

<sup>5</sup> *Ibid.*, 482, 515; 1641.

<sup>6</sup> History, I. 582.—Documents, I. No. 6, D. Cf. No. 12, A, endorsement: "*Postulata Baronis de Baltimor*"; 1641.

<sup>7</sup> History, I. 532, Copley; 556-558, Vitelleschi.—Documents, I. No. 6, G, H; October 31, 1648.



that this was "for the sake of peace"; but, on ecclesiastical grounds, he had no power of himself to make any cession of property already acquired for the Church.<sup>8</sup> After the death of Father Vitelleschi, the Vicar-General Sangrius renewed the concession already made, "for the sake of peace and the good of the Christian religion"; and, as to resigning property which had been acquired under the regular conditions of plantation, he even offered, in view of the baron's "obstinacy,"<sup>9</sup> to see if he could obtain the requisite powers from ecclesiastical authorities for giving it back to Baltimore.<sup>10</sup> The present General Carrafa rejected, like Vitelleschi, all the principles advanced by Baltimore; unlike Sangrius, he declined to interest himself in divesting the Church of property duly purchased and acquired. If Baltimore chose to obtain the Pontifical authorization requisite, Carrafa would be perfectly ready to act in conformity therewith. Meanwhile, the Provincial was to respect the concession already made to the baron. Then he added his ultimatum: "If the right honourable gentleman is content with this, we shall continue to serve him and souls to the best of our power, in that vineyard of the Lord. If not, let the right honourable gentleman provide other spiritual ministers; and do you recall Ours from there, which, sooner or later, I very much fear shall have to be done by us, although not without some loss to souls."<sup>11</sup> This was in March, 1647. Then in May of the same year we have seen him treat Maryland as dead and buried with regard to the Society, and not even to be reckoned among foreign missions.

Nevertheless, it was no later than July of the same year when the Provincial came forward again with an application in favour of "Maryland and Virginia." The General condescended. Rehearsing the terms of the request, he said, that, "Since the spiritual harvest is so great, and withal there are no spiritual workmen at all in Maryland and Virginia, as you give me to understand by your letter of July 27, I grant you the power of sending thither as many as you shall think necessary; instructing them, however, to avoid all contentions with the right honourable lord proprietary, or any of his ministers there; and [*yet*] not to cede anything which shall prejudice ecclesiastical immunity."<sup>12</sup> This "ecclesiastical immunity," in the actual state of the question, had

Renewed application for Maryland.

<sup>8</sup> History, I. 558-559.—Documents, I. No. 6, H, K.

<sup>9</sup> "*Obfirmata urget.*"

<sup>10</sup> History, I. 561.—Documents, I. No. 6, N, O; 1644.

<sup>11</sup> Documents, I. No. 6, R; March 9, 1647.

<sup>12</sup> *Ibid.*, No. 6, T; September 7, 1647.

come to mean no more than the common rights of colonists, that they should own what they had bought, and should be left alone.

But the Provincial had been precipitate in making the application for Maryland. Within three months he had the mortification of announcing that there were "new contentions" with the proprietary of the colony. The General replied that it would be better to leave Maryland out of view. If the Provincial and his councillors thought well of it, something might be done for the comfort of the Catholics in Virginia.<sup>13</sup>

Maryland  
dropped,  
Dec., 1647.

So ended the first period of the Catholic Church in Maryland. The secular clergy had withdrawn thence. The regular clergy declined to return thither. The Jesuits had the title of 3400 acres of land, granted them in regular form by the Governor Leonard Calvert, as the first instalment of 28,000 acres due from Lord Baltimore for value received. This first instalment they had vested in Cuthbert Fenwick, as confidential trustee.<sup>14</sup> Both of these acts, the grant by the governor, and the assignment by the Jesuits, had incurred Lord Baltimore's reprobation. The governor had been reprimanded by him, and strictly forbidden ever to repeat such an indiscretion.<sup>15</sup> The action of the Jesuits in protecting their property by the interposition of a trustee was flanked by the new Conditions of Plantation which were in preparation at this time, and were dated from Bath, August 20, 1648. In them was contained, not only an edict against all corporations, societies, fraternities, spiritual and temporal, by virtue of the English Statutes of Mortmain never re-enacted in Maryland, but also an edict against secret uses and trusts, in virtue of no law or custom existing either in England or America.

By comparing the date of the General's letter, December 28, 1647, which put a stop to the Maryland mission, with that of Baltimore's Conditions of Plantation, which were dated eight months later, it appears that the "new contentions" arose over the anti-clericalism which was to be embodied in the new Conditions. Before we proceed to this document, which merits a distinguished place in history for its relation to the past and its anticipation of the future, we shall say a word upon the new Virginian centre of activity.

§ 82. The General's order to ignore Maryland arrived in England after the two missionaries had sailed for America. They were

<sup>13</sup> Documents, I. No. 6, U; December 28, 1647.

<sup>14</sup> *Ibid.*, No. 24, p. 202.—History, I. 484, 485.

<sup>15</sup> History, I. 487, 488.

Fathers Copley and Lawrence Starkey or Sankey. Virginia, not Maryland, was their destination. At the end of January, 1648, just at the time when they were reaching America, the General sent a handsome letter of commendation to Copley, addressing him in London.<sup>1</sup> On March 1, Copley wrote to headquarters, saying that he and his companion had reached Virginia in the month of January. This companion, Starkey, was a priest forty-two years of age, and twelve years a Jesuit. The reports about him state that he had worked in England during eleven years, and had the qualifications needed for a missionary; but they record no special talents which adorned him.

The Virginia mission, 1648.

The two Jesuits on arriving in Virginia attracted as little attention as possible. Nay, to use Copley's own phrase in his letter, they simply "lay hid." In the month of February, leaving Starkey there to undertake "a work of good promise," Copley penetrated into Maryland. By some providential circumstance he found the Maryland Catholics gathered together, when he dropped in among them like an apparition. "Like an angel of God," said he, "did they receive me." Scattered to the four winds of heaven as he had left them three years before, he now found them in a happier condition than "the foes who had plundered them." He had already been two weeks with them, and he felt it difficult to tear himself away. But the Indians, who had been just as badly treated by the plunderers, were calling for him. "I scarcely know what to do," he wrote, "since I cannot satisfy all." Then he sketched the prospects of the future. A road had lately been opened from Maryland to Virginia, so that both countries could be comprised in one mission, at the cost of only a two days' journey from one to the other. After Easter he was going to see the Governor of Virginia (Sir William Berkeley), and to treat with him on some affairs of the greatest consequence. He hoped that the General and Provincial would concur to send him a reinforcement of two or three men.<sup>2</sup>

Carrafa replied in the most cordial terms, on July 18, 1648. He signified his desire of being favoured with reports from America; for, said he, as all considered themselves partakers in the spiritual fruits gathered, so all should like to share in the joy of knowing what those spiritual fruits were. He implied approval of Copley's expectations, that assistance would be lent from England.<sup>3</sup>

<sup>1</sup> Documents, I. No. 6, V; January 25, 1648.

<sup>2</sup> *Ibid.*, No. 8, Q; March 1, 1648, to the General.

<sup>3</sup> *Ibid.*, No. 6, W.—As to the "road lately opened," a two days' journey, compare Mobberley: "From St. Inigoe's house [on *St. Mary's River*] to the Potomac is

Before the date of Easter, Copley was back in Virginia for a festive but lonely celebration. As delegate of the General, he received the last vows of Father Starkey, incorporating him in the grade of spiritual coadjutor. Since they should have chosen for this function a feast day of exalted rite, but instead of that took March 24, eve of Lady Day, we infer that their feasts, like their Sundays, were pre-engaged for missionary excursions and functions in the service of the faithful.

We next hear of Copley in relation to Jesuit property, left without superintendence in Maryland, and, as might be expected, productive of nothing, except perhaps debts for taxes. During the years of his absence Copley had been receiving no rents for his property about St. Mary's City. If this had been all, his redress might have been easy. But it was made difficult by the circumstance that there was another claimant to the property. This was Cecil, lord proprietary of the ten million acres in Maryland.

Baltimore re-  
claiming  
Jesuit  
property.

An attempt had been made on this Jesuit property, about the town of St. Mary's, by the Lewger code of laws, in 1638.<sup>4</sup> A regular grant, however, had been passed by the governor, L. Calvert (July 27, 1641), to Cuthbert Fenwick, Copley's trustee.<sup>5</sup> Baltimore, who had expressed his dissatisfaction at such a grant having been made (November 23, 1642),<sup>6</sup> was just, now sending over from England the new Conditions of Plantation, dated August 20, 1648. Their purport was to divest rights when vested in Jesuits, and to rescind the obligation of contracts, if made with Catholic priests. Certainly, one of Lewger's "Cases" had propounded as a query, what Baltimore's drafts for the Provincial had enforced as a demand: Whether a General Assembly may "reform" grants, already legally made to persons lay and religious; "and whether may the pryncce [*Baltimore*] by vertue of such a law resume, or reforme such graunts made to them afore, or without a voluntary surrender, or resignation of them by the Religious?"<sup>7</sup>

supposed to be 5 miles; the distance from the said house to the Virginian shore, 12 or 15" (Georgetown Coll. MSS., Mobberley's *Diaries*, i. 23). This led us to believe that the new road was from the Potomac to Jamestown in Virginia. The Rev. E. I. Devitt, S.J., is of opinion that the road was from Maryland on the eastern shore to Accomac; that in Accomac Father Rigbie had died; that there too Fathers Copley and Starkey lay hid and subsequently ended their days; finally, that at a later period Fathers Gulick and the Franciscan or Capuchin, Plunkett, lived in the same Virginian district of Accomac on the eastern shore of the Chesapeake.

<sup>4</sup> *History*, I. 414, 415.

<sup>5</sup> *Ibid.*, 567, 568.

<sup>6</sup> *Ibid.*, 487, 488.—*Documents*, I. No. 24, note 3.

<sup>7</sup> *History*, I. 510, 529, 530.—*Documents*, I. No. 11, § 16; No. 21.

Copley's case against the tenants came up in October, 1648. He desired authorization to demand and receive the rents due. But the counter-plea was put forward, that there existed a "difference now depending between the right honourable the lord proprietary and the said Mr. Copley, concerning the said rents and tenements," and that "further order from the said lord proprietary" might be expected. His lordship's attorney in the case was Mrs. Margaret Brent. The lady, however, seems to have been more faithful to other principles than to her lord principal; for she waived his claim, subject to the said "finall determination." This brought the tenants to order, who, while using Copley's stock, had been paying nothing to him as being absent, and, of course, nothing to Baltimore, as not being the owner.<sup>8</sup> But the giving away of Baltimore's case may have been prejudicial to Mrs. Brent. For, six months later, the freemen of the Assembly took into consideration a letter of the lord proprietary, who had written "so tartly" to themselves, and had indulged in what they called "those bitter invectives you have been pleased to express against her [*Mrs. Brent*]." This remonstrance, as we noted before, produced the handsome effect of eliciting something like an apology from his lordship on the direct subject of debate—the case of the "neate cattle and personall estate," excepting "sixteene cowes and a bull." The Copley affair we do not find mentioned in the apology, either directly or exceptionally.<sup>9</sup>

On receiving a report from Copley, the new General, Father Piccolomini, took cognizance of the Jesuit land affairs in Maryland, and animadverted on a technical irregularity. Copley was acting as agent for no principal, if Maryland was to be the beneficiary. There was no corporate body of the Society there, neither a college, nor a house of novitiate, nor a house of studies; and only these three institutions in the Society had any capacity to enjoy fixed incomes, such as issued from lands. In the Province of England there were colleges consisting of the men, who having sufficient temporal means had been incorporated by the General into a body, with a local Rector for their head. This exhibited technically the idea of a college.<sup>10</sup> In the same form, civilization has realized the idea at all times, for purposes of divine worship, of study or research. In the case of Jesuit colleges, there

Copley's  
tenants and  
Baltimore's  
claims.

The form of  
Jesuit land  
tenure.

<sup>8</sup> *Arch. Md., Court Business*, p. 426; 1648.

<sup>9</sup> *History*, I. 551, 552.

<sup>10</sup> Cf. Hughes, *Loyola*, pp. 62, 63.

was almost universally, the ulterior purpose of educating youth, with courses and students. But these elements belonged to the integrity of the idea, not to its essence. And in this respect, as not having yet received their complementary development, the English Jesuit colleges of the time have been called "ideal."<sup>11</sup> In 1640, when there were only four Fathers in Maryland, and they had acquired stations and land, that of the Indians at Mattapany being one of the places, the General Vitelleschi had signified his good will to erect a "college," when plans should have matured.<sup>12</sup> Those plans had not matured, for reasons sufficiently plain. Now ten years later, in 1650, Piccolomini observed the irregularity that titles to estates were acquired in Maryland, and yet there was no competent subject in whom they were vested, whether for its own use or for administration in behalf of any other use. The relevancy of this constitutional point will be seen on a subsequent page, when we come to speak of the College of Quebec and its administration of property for the Indian missions.<sup>13</sup>

The General wrote to Father Forster, Provincial, in August, 1650 :—

"In the latter part of February, Father Philip Fisher [*Copley*] wrote from Maryland, and described how Catholic interests lay. About that mission I think I must remind you of one point briefly. You know well that, according to the laws of our Institute, missions cannot possess revenues or real property, as it appears that Maryland has, unless perchance this mission is incorporated in some college. If that has not been done, it is to be done at once. You will consider with your councillors to what college it had best be joined, and inform me thereof, as well as the Fathers in Maryland."<sup>14</sup>

Though we have never found any trace of the action taken under this order, we assume that the mission was incorporated in the London Jesuit college, at that time consisting of about twenty-one Fathers, with one lay brother.<sup>15</sup> But, one hundred and nine years afterwards, the Provincial Henry Corbie began a paragraph of his "Ordinations and Regulations for Maryland" with the observation that "Maryland and Pennsylvania jointly constitute one college or residence."<sup>16</sup> If Father Corbie was speaking here with technical

<sup>11</sup> Cf. *History*, I. 846, note 4.

<sup>12</sup> *Ibid.*, 846, 460.

<sup>13</sup> *Infra*, § 148.

<sup>14</sup> *Documents*, I. No. 6, Z; August 20, 1650.

<sup>15</sup> Cf. *Foley, Collectanea*, lxxx., lxxxiii.

<sup>16</sup> Cf. *Documents*, I. No. 56; April 2, 1759.

precision, the former incorporation in an English college must have been supplanted by an independent corporation of the American mission, as a college in its own right. Indeed, as early as 1713, Father Parker, Provincial, confirmed a previous decision, that the superior of the Maryland mission had "the power of a Rector"; which phrase, if taken in its full technical bearings, would import that the mission was a college. The heads of the local stations, where two or three lived together, had each the power of a Minister, or vice-Rector.<sup>17</sup>

§ 83. In the month of June, 1648, Cecil Lord Baltimore put his hand and seal to new Conditions of Plantation for all colonists who should go to settle in Maryland. Two months later, in August, he annexed them to a commission for Governor William Stone, requiring him to publish them with all convenient speed, and to administer the land affairs of the colony on the new basis thus laid down.<sup>1</sup> Stone was the third governor of Maryland. The first, Leonard Calvert, had at his death (June 11, 1647) left the province in charge of Thomas Greene, a Catholic. Lord Baltimore superseded this appointment by commissioning William Stone, a Protestant. The relations between the local government and the missionaries were uniformly genial and cordial. All the discordant notes in the life of the colony were struck in London. In the new Conditions of Plantations there was more than one element of discord. We report from the document the final paragraphs, which affected intimately the future of the colony in the matter of religion, education, and charity:—

"10. His lordship doth except out of these Conditions of Plantation all corporations, societies, fraternities, guilds and bodies politick, as well spiritual as temporal, and every of them, and do[th] declare that he doth not intend that they, or any of them, shall be capable of, or have any benefit by virtue of these Conditions, to inherit, possess or enjoy any land within the said province, either in their own name or right, or in the name or names or right of any other person or persons whatsoever, to the use, interest or benefit of,<sup>2</sup> any such corporation, guild, bodies politick, societies, fraternities, or any of them as aforesaid, without further particular and special licence first had and obtain'd therefore, under his lordships hand and seal at arms.

The Conditions formulated against religion and charity.

<sup>17</sup> Md.-N.Y. Prov. Arch., L. 1, old Record book, p. 9.

<sup>1</sup> Arch. Md., Council, 221-228; June 20, August 20, 1648.

<sup>2</sup> Here the Conditions of the following year, 1649, add: "or in trust for."

"11. In case his lordship shall think fit to except any other person or persons from having any land within the said province by virtue of these Conditions, and shall cause notice to be given to such person or persons of such exception, <sup>Against persons.</sup> such person and persons, so to be excepted by his lordship, shall not, from and after six months next ensuing after such notice given as aforesaid, have any future benefit to be capable of having any land within the said province, by virtue of the said Conditions, for or in respect of any person or persons, which shall be afterwards transported into the said province, without further special licence under his lordships hand and seal at arms for the same.

"12. No adventurer or planter to or in the said province, or any of them who shall have any land due unto them, him or her, there,<sup>3</sup> by virtue of the said Conditions, nor their heirs <sup>Against donors.</sup> or assigns, shall give, grant, sell, aliene, or assign any of those lands, tenements, hereditaments within the said province (which shall be assigned or granted unto him or them from his said lordship or his heirs, or which such adventurers or planters or any of them shall possess and enjoy by virtue of the said Conditions) to any corporation, society, fraternity, guild or body politick, either spiritual or temporal, or to any other person or persons whatsoever in trust for them or any of them, or to such use or uses comprised, mentioned or forbidden in any of the Statutes of Mortmain, heretofore made in the kingdom of England at any time before the reign of Henry the Eighth who was king of that realm, without particular or special licence first had and obtain'd for that purpose, under the hand and seal at arms of his lordship or his heirs, upon pain or [of] forfeiture of all such lands unto his lordship and his heirs."

The 13th Condition reaffirmed a limit of time for taking out grants, to which planters had a right. This condition was to be observed under pain of forfeiting the claims. It had been introduced in 1642, threatening Copley's rights, which had been acquired subject to no such limitation of time.<sup>4</sup>

"14. Because all secret trusts are usually intended to deceive either the Government or the State where they are made, or some

<sup>3</sup> This clause shuts out any donor who lived in England, and wished to dispose of land possessed in the colony. It was precisely this class of donors, living in Europe, who at this same epoch were founding the Jesuit mission of Canada with landed estates. See *infra*, §§ 141-145.

<sup>4</sup> History, I. 400, *ad* note 38; 484, *ad* note 5; 504, *ad* note 7.—This was a burden, because it meant the payment of fees, and the use of land, when persons might not yet be ready either for the fees or for the development of land.



other persons, and by experience are found to occasion many suits and dissensions, therefore no adventurer or planter shall take any grant from his lordship, under the great seal of the province, of any lands there, by virtue of these Conditions, in trust for any other person or persons, or to any other use or uses, then what shall be expressed in the said several and respective grants, upon pain of forfeiture of the said lands to his lordship or his heirs, when any such secrett trust or uses shall be truly discovered." <sup>5</sup>

These Conditions of Plantation were reissued a year later, July 2, 1649.<sup>6</sup> In the Commission to Governor Stone, accompanying this document, Baltimore showed that he had a special eye on the demesne lands of manors to be confiscated, making a special reservation of them for himself and his heirs.<sup>7</sup>

§ 84. This was the fifth set of Conditions issued within sixteen years, each set advancing beyond the preceding in the line of one individual's interest, and never conferring a material advantage on the adventurers or colonists. They were attended by an administrative pressure, which slipped in and imposed feudal burdens, not even mentioned in the Conditions themselves. Not by stipulation, but by imposition, the notions of an obsolete feudalism, totally inapplicable to America, were being intruded only twelve years before a formal Act of the English Parliament abolished the operation of the system in England itself, a country rigidly bound down under feudalism for six centuries past.<sup>1</sup> The genealogy of Baltimore's Conditions, and their meaning, we give on another page, as well as the feudal notions introduced under the pressure of administration.<sup>2</sup>

As to the passages just quoted textually, there were many curiosities in them. Their trend was entirely against the Jesuits.

There was no other society, fraternity, body politic or corporation, on the ground, whether of a spiritual or temporal nature. There was no question of any commercial corporation in Maryland, where capital was not to be found. A hundred and twelve years later, Father George Hunter said graphically of the Catholic gentry, that "they must digg all out of the earth."<sup>3</sup> The only "association" which came into

The Conditions devised against the missionaries.

<sup>5</sup> *Arch. Md., Council*, 227, 228; 1648.

<sup>6</sup> *Ibid.*, 235-237.

<sup>7</sup> *Ibid.*, 228.

<sup>1</sup> See *History*, I, 399.

<sup>2</sup> Appendix C (p. 624, *seq.*), "Conditions of Plantation: Feudalism: Jesuits."

<sup>3</sup> *Infra*, p. 522; 1760.

existence before the American Revolution was that of the Orange revolutionists, who expelled Lord Baltimore's family from the government of the colony in 1689. There was one spiritual corporation in prospect, which he may have been contemplating in these Conditions. That was the "corporation sole" of some Catholic bishop or equivalent authority from which, during the past three years and for twenty years to come, he was expecting a supply of secular clergy.<sup>4</sup> Such an episcopal dignitary might not, of course, grace Maryland with his personal presence. But persons absent, no less than those present in the colony, came equally within the purview of the document just quoted; for, at the beginning of the twelfth paragraph, it designated both adventurers "to or in the province" and others "who shall have any land due unto them there."

The points which he made against ecclesiastical proprietorship in Maryland were these. Citing the Statutes of Mortmain passed in Catholic times, he applied them to the effect of imposing the condition that a licence should be obtained from him or his heirs for any sale or donation of property to a religious, educational, or charitable purpose. Not citing the Statutes of Mortmain passed in Protestant times since the Reformation, still he applied them in many ways, leaving out their redeeming qualities. His manipulation of these two series of statutes misapplied both; the former or Catholic series, as we have already shown in another place;<sup>5</sup> the latter or Protestant set, as we shall see in an Appendix with regard to the Jesuits.<sup>6</sup> In other respects, Baltimore's policy ran far ahead of his time. It anticipated the anti-charitable legislation of George II.;<sup>7</sup> and, far beyond that, the anti-clericalism of later centuries. Retrospectively, it expressly swept the field, four centuries back. Prospectively, it reached three centuries ahead.

Besides all this material, which has very inaccurately been classed in common usage under the name of "mortmain," there was in Baltimore's policy a paternalism unique in history; and the reason assigned was that of a doctrinaire. The colonists, like good children, should never presume to treat secretly among themselves about their own property, and the use to which they put it; but should confide all their secrets to the bosom of the

The policy  
neither  
Catholic nor  
Protestant.

<sup>4</sup> Documents, I. No. 28, A; December 14, 1689.

<sup>5</sup> History, I. 596, 605, 609, 610.

<sup>6</sup> Appendix D (p. 658, *seq.*), "Charity and Mortmain."

<sup>7</sup> 9 Geo. II., c. 36; *infra*, p. 660, *seq.*

good paternal government. The chastisement which he threatened was that, otherwise, their good things should fall automatically into his lap. The reason was, because such secrecy meant deception of the paternal government, or of some fraternal interests. This attack on uses and trusts was an imitation of Henry VIII.'s assault on uses; but it went beyond, since that monarch did not thereby confiscate the property assigned to a use.<sup>8</sup> It is true that, as Henry VIII.'s attempt on uses was frustrated by common sense in England,<sup>9</sup> so neither did this blow given by Baltimore to common policy succeed in Maryland; for we find that, till the American Revolution, trusts were uniformly employed by the Jesuits to protect their property. And, one hundred years later (May, 1754), when a bill was passed by the Maryland house of burgesses to confiscate all Jesuit property, we observe the legislators striking at land held in trust for the Fathers. But at that subsequent date the legislators went even beyond Baltimore at this time, for they confiscated all property, if merely "occupied by such Popish priest or Jesuit, or Popish priests or Jesuits, or reputed Popish priest or Jesuit."<sup>10</sup>

The resulting situation then for Catholic ecclesiastics was that none should screen their property under the cover of a trust with any one, and this under the sanction of immediate confiscation. This was Henry VIII.'s legislation reproduced. No one dying could make a devise of land to a body of ecclesiastics by will or testament. This again was Henry VIII. copied. But, going beyond that king, Baltimore prohibited any one living from giving or selling to a religious body; and this again under the penalty of confiscation. He struck at the expansion or perpetuity of any charitable institute, by the reservation made of disabling one or more or all persons concerned from acquiring any lands; and, in his draft of a Concordat for the Provincial, he had stipulated for the right of expelling any Jesuits, with or without reason.<sup>11</sup> The alternative constantly mentioned of taking out a special licence from him, to acquire possession of anything in the interest of religion or charity, was a notion already obsolete at that time in England, and only to be revived by the

The embargo  
on charity  
absolute.

<sup>8</sup> Cf. History, I. 613, 614.—The Orange king, William III., confiscated property assigned to uses, as against all Papists (see *infra*, p. 166). The Hanoverian, George II., did the same against all charitable persons, under certain conditions (*infra*, Appendix D, p. 661). Baltimore did so against everybody, without conditions.

<sup>9</sup> *Ibid.* 614.—Cf. 4 Kent, 298: "The doctrine of uses existed in the civil law, and would naturally be suggested in every community by the wants and policy of civilized life."

<sup>10</sup> See *infra*, p. 536. Compare Appendix D, p. 669, note 7.

<sup>11</sup> *Supra*, p. 18.

Orange king, William III., half a century later.<sup>12</sup> In any case, the clauses about a licence meant nothing; for he had expressly forbidden Governor Leonard Calvert to pay even outstanding debts to the Jesuits; and he had demanded of the Provincial a surrender of grants already made in payment of Baltimore's debts due to the Jesuits.

All this legislation was casually referred to Catholic times, as being somehow an adjustment "of the Statutes of Mortmaine, heretofore made in the kingdom of England at any time before the reign of Henry the Eighth." In point of fact, it was an adjustment of mortmain statutes passed in Protestant times, when the religion professed by Cecil's own father had become an object of cupidity for its wealth, and an object of slander as a "superstition." Baltimore had been more candid when, in his draft for the Provincial (1641) he had cited plainly "any statute of Mortmain heretofore made in the kingdom of England."

The citation of statutes equivocal and unconstitutional.

This legislative material had never been made the subject of enactment in Maryland, or of re-enactment as copied from England. It was conveyed in a plantation document about buying and selling, and in private correspondence which directed the trend of administrative pressure. The want of local intelligence in the colony allowed the executive bureau and the courts of law to shape their action in the future on the model submitted by Baltimore, without any legislative sanction.

Particulars respecting the origin of this mortmain jurisprudence may be seen in an Appendix.<sup>13</sup>

§ 85. The Puritans now were coming into the province from Virginia. The rebels, at home, who had joined hands with the Virginians in plundering and devastating the priests' property no less than Baltimore's, were received to pardon. The Catholic gentry who, ten years before, had been a moral power in the colony, were sinking numerically into a small minority. Their spirit of toleration, which had given a distinctive character to the province, was still breathing, but with difficulty. Father Copley moved about in circumstances notably different from those prevailing, when a Catholic conscience in the ruling class dominated the environment. He seems to have feared a recurrence of the late violent measures against the priesthood and Catholic worship, or possibly a repetition of Lord Baltimore's former attempt on his liberty. Whether he found that his dropping into the

Copley for his liberty vs. Maryland.

<sup>12</sup> *Infra*, p. 660.

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<sup>13</sup> Appendix D (p. 655, *seq.*), "Charity and Mortmain."

D

Maryland palatinate was a perilous adventure ; or that he might not be allowed to go out of it, under some palatine exercise of a royal prerogative, *Ne exeat regno* ;<sup>1</sup> or that he should be kidnapped and sent off anywhere "by the next shipping" from those parts<sup>2</sup>—the fact is that he exhibited for registration in the Provincial Court the old safe-conduct, for which he had petitioned Charles I. fifteen years before.<sup>3</sup> It is a strange reflection on the condition of Maryland at this time, that the one Catholic priest who was there should think it advisable to have the following document judicially recorded, at the date seemingly of March 13, 1649 :—

"CHARLES R.,

"Whereas Thomas Copley, gentleman, an alien borne, is a recusant, and may bee subject to be troubled for his religion ; and, forasmuch as wee are well satisfyed of the condition and quality of the said Thomas Copley, and of his loyalty and obedience towards Us : Wee doe hereby will and requyre yow, and every of yow, whom it may concerne, to permitt and further the said Thomas Copley freely and quietly to abide in any place, and to goe about and follow his occasions, without molesting or troubling him, by any meanes whatsoever for matter of religion, or the place, or persons of those unto whom hee shall resort. And this shall bee your warrant in this behalfe. Gyven under our Signett, att our Pallace of Westminster, the tenth day of December, in the tenth year of our reigne, [1634]. Locus + Sigilli

"To all our Judges, Justices of Peace, Mayors, Sheriffs, Bayliffs, Constables, Headboroughs, Messengers, Pursuivants, and to all other our Officers and Ministers, whom it doeth or may concerne.

"Concordat cum originali. Ita testor, WM. BRETTON." <sup>4</sup>

The Protestant Governor, William Stone, was a man as moderate in his views as he was in abilities. The assembly met and sat, April 2–21, 1649. It seems to have been composed on this occasion of moderate men. Baltimore, in spite of his infelicitous experiences ten years before,<sup>5</sup> had resumed his old policy of drawing up laws in London, for the good men of Maryland to pass bodily and without flinching. The good will of the freemen was not wanting. But

<sup>1</sup> Cf. *History*, I. 452, 532–534.

<sup>2</sup> *Ibid.*, 535, 536. See *infra*, p. 621, *seq.*

<sup>3</sup> *Ibid.*, 866.

<sup>4</sup> *Arch. Md.*, *Court Business*, p. 479 ; 1648, 1649.—Cf. *History*, I. 366, 367.

<sup>5</sup> *History*, I. 427, 428, 456.

their good sense recoiled from what was submitted to them, and they gave, in rather prolix language, as fair a description as may be found anywhere of what is meant by the modern term, "doctrinaire" legislation. John Locke might be excused for having perpetrated something of this kind in his code for Carolina. Locke was a philosopher. Cecil Lord Baltimore was not a philosopher; but with his lawyers he had fabricated a code not unworthy of a studio or a bureau. The freemen did not like it; they could not say why. But, as they did not like it, they simply said so in the following passage.

After giving expression to the "loyal affections and hearty well wishes of us, your Lordships poor friends, towards your honour," they said, "Being now cordially desirous, justly and unanimously to express a willing forwardness to give your Lordship all just and honourable satisfaction that can be expected from a people (at present so illeterate, and void of that understanding and comprehension, necessary for a mature and wise discussion of such a body of laws—as is now proposed by your Lordship to be assented unto by us for perpetual laws—as we acknowledge ourselves to be); and, whereas we have with much sollicitude and earnest endeavour, according to our weak understanding, read over, perused and debated upon all the aforesaid body of laws (so proposed unto us by your honour) in real desires in deed (in compliance with your Lordship) of receiving them as laws; but, in conclusion, finding them so long and tedious, containing withal so many several branches and clauses, that, in prudence, we cannot as yet with safety to ourselves and our posterity (being they are to be perpetuall) concur to the enacting of them as laws . . . ; besides, your Honours directions being such, as that none of the said laws are to be recorded by us and enacted by the Lieutenant General in your Lordships name, without the whole body should be received by us, without alteration, addition, or diminution to it . . . we find in several parts of it such things as are not convenient, or, as we conceive it [*not*] just to pass; and so, in that respect we thought it most prudentiall not to meddle at all with the foresaid body of laws." Still they professed to have selected some of his lordship's laws; they had made others of their own; and they had guided themselves herein by four principles which Lord Baltimore seemed to have in view. Two of these principles regarded his own support and his property; another, the recompense due to those who had helped in recovering the province; and one of them, the first in

A doctrinaire  
code, 1649.

For a people  
"so illete-  
rate."

order, was "that the country may be preserved with peace and defended and governed with justice."<sup>6</sup>

The first act among twelve so passed by them, April 21, 1649, was "An Act concerning Religion." This statute, elaborately conceived and well drawn up, provided for the honour due to God, Three in One, to God Incarnate, and to the Blessed Virgin Mary; it enjoined on the colonists mutual respect, the sanctification of Sunday, and such practical toleration of every denomination, that no one was to trouble, molest, or discountenance another for one or other way of belief. All these provisions were enforced with severe sanctions. The part about mutual respect prohibited the use of certain appellations, "in a reproachful manner," and "upon any occasion of offence or otherwise." The prohibited appellatives were: heretic, schismatic, idolater, Puritan, Independent, Presbyterian, Popish priest, Jesuit, Jesuited Papist, Lutheran, Calvinist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Separatist, "or any other name or terme in a reproachful manner, relating to matter of religion."<sup>7</sup>

With the commission of August 6, 1648, appointing William Stone Governor of Maryland, the lord proprietary had sent the formulas of oaths for the governor himself, and for the councillors of state; and in both formulas a clause of similar toleration was inserted, in behalf of all professing to believe in Jesus Christ. "In particular no Roman Catholick for or in respect of his or her religion, nor in his or her free exercise thereof within the said Province," was to be troubled, molested, or discountenanced, directly or indirectly.<sup>8</sup>

This had been the practice and life of the colony from its foundation till the late revolution, a short period fuller of good works than of years. The Act of Religion, or, as it is otherwise called, the Act of Toleration, marked the date of the old order changing, and already changed. So had the Poor Laws of Elizabeth marked the expiration of a system which was no more, that of Christian charity in the national life of England. But, alas! what the substitution of factitious statutes for the native instincts and practice of Catholic life had done in the matter of poverty and unemployment, the same was now to result from the substitution of toleration by enactment for Catholic social life, and its deferential attitude towards others. As the whole method of

<sup>6</sup> *Arch. Md., Assembly*, pp. 240, 241; April 21, 1649.

<sup>7</sup> *Ibid.*, pp. 244-247.

<sup>8</sup> *Ibid.*, *Council*, pp. 210, 214; 1648.

philanthropy by dint of statutes had been from the beginning a mere scaffolding of measures always failing, and, though not a contemptible thing in itself, the philanthropy had only brought contempt upon charity, so was it with the Act of Religion, and the toleration which it enacted. From this time forward there was little toleration, at least for Catholics. The social atmosphere became rank with the use of the term and the abuse of the thing. We shall witness a characteristic scene immediately in the very next meeting of the assembly itself. Puritans always kept their heads above water, and others were kept under, but they never. Episcopalians came; and they lorded it for a good while, as long as they held on annexed to the State; that is, till the State shook them off. But all the time it was a story of intolerance; which, whether we will it or no, becomes a dominant note in this History, not only with respect to Maryland, where toleration once was genteelly professed, but with regard to all the Anglo-American colonies, which were in general honestly candid.<sup>9</sup>

\* The best commentary on the Act of Religion or Toleration, passed in 1649, is supplied by the conduct of the lower house, which applied it in the following year, 1650. As we shall see in the pages now following, this body of Maryland burgesses expelled Mr. Thomas Matthews from their house, for presuming to bring in a Catholic conscience.

An interminable amount of literature has been expended upon this act by those whom it has interested. But they have not given due relief to the salient circumstance, that the statute as prescribing toleration was only a remedy for the growing mischief of toleration disappearing. It was a poultice, or cataplasm for an open wound in the social body. Eventually, it did supply a legal refuge, when the growing intolerance tried to oppress, and even to use law for oppression. So Father Darby or Fitzherbert soon afterwards had recourse to this act. See *infra*, p. 61. To treat it otherwise than as a makeshift is to mistake the salvage apparatus about a wreck for the ship submerged, which was never again to float.

So much for the value and practical efficacy of the act. Its authorship too has interested people very much. Fiske says, that the act was drawn up by Lord Baltimore exactly as it stands. Another, contradicting him, says, Not so! "but, that it was prepared by his order and under his direction, is certain" (Hall, *Lords Baltimore*, p. 72.—Cf. *Md. Hist. Magazine*, i. 367). Another expounds at length a thesis, that the Jesuit, Father Henry More, must have prepared and proposed the measures adopted by the proprietary; and among them was the Act of Religion: "Baltimore certainly did not prepare them" (Johnson, *Maryland*, p. 146).

We must confess that we do not like all this "certainty" about propositions undemonstrated and indemonstrable; which, because incapable of proof, are taken for granted and must be so. This "certainty" is not far remote from the categorical imperative or indicative, with which some would project their own subjective consciousness upon that of others. See an instance of this *infra*, pp. 645, 646, *ad* note 23. We imagine that criticism would be more indulgent towards other moods in which historical theorizing revels; for instance, the potential: "It might be so!" the subjunctives of various sorts, which are made tributary: "If it were so!" all, in the last analysis, resolving themselves into an optative: "Would that it were so!" Fortunately, the categorical imperative and indicative occur rarely now; for rare is the assurance, among decent people, of a Macaulay or a Froude. In fact, we feel a timidity here in affirming with certainty one little point; that, as from the beginning of 1648, we have the written correspondence of the General with Father Henry More, exiled in Belgium from that date, and remaining there as Rector of St. Omer's during years to come, that Father could not have dealt



§ 86. Father Thomas Copley was now protected by the royal warrant judicially recorded. He had the guarantee of the governor's and councillors' oaths that he should not be molested on account of his religion. He could fall back on the Act of Religion for liberty in the exercise of his ministry, and the assertion of any other rights acquired by him as a colonist. Forthwith he proceeded to the reconstruction of the mission's temporalities.

Property:  
Copley's  
change of  
plan.

We infer from his conduct that he was no longer addicted to those paternal ideas of the proprietary government, which he and Father White had, in former times, favoured and fostered. For instance, in 1638, five years after rights to land had been bought outright from Baltimore without any limitation of time for taking out the grants, Copley politely "besought" the proprietary, if he might not take up and keep the land, "according to the first Conditions which we maid with your lordshipe"; and, there being no limit of time, if he might not take up the land, "when we find itt fitt according to our adventures." Father White had gone far beyond this, in the development of his own filial, and of Baltimore's paternalistic instincts.<sup>1</sup> His lordship had taken the place offered him, *publici servitii victor*.<sup>2</sup> The paternalism of the new Conditions, 1648, pried now into the private affairs of all good subjects, and forbade them to meddle with secret uses or trusts; the filial colonists were to let the paternal government know everything about their property, or else they should be stripped and sent adrift by forfeiture.

But Copley proceeded to court no favour and to ask for none. He followed the course of strict business on the terms of the original bargain. Under the form of an assignment, Mr. Cuthbert Fenwick was already his trustee for the first grant of 3400 acres at St. Inigoes and St. Mary's city.<sup>3</sup> Under the same form of conveyance, Mr. Thomas Matthews was now to become his trustee for

personally with Baltimore during more than a year prior to the date of the Act of Religion. See *supra*, p. 14.

In contrast with all this seriousness on a subject, partly nugatory and partly indemonstrable, is the remarkable but not unusual levity, with which matters really serious have been handled, if persons thought fit to touch them at all. See the Appendices C and D, on Feudalism and Mortmain. A little consideration on these constitutional matters would be worth more than much sentiment on a Toleration Act, which, when passed, was intended as a medicament for a moribund social polity; and, when subsequently cited, was as equivocal as a gravestone over the departed.

<sup>1</sup> History, I. 400, 414, 415, Copley to Baltimore.—*Ibid.*, 398, White's insinuating plea. See *infra*, p. 636.

<sup>2</sup> Tacitus, *Ann.*, xiv. 18.

<sup>3</sup> History, I. 484, 485, 567, 568.—Documents, I. No. 24.

whatever else could be realized of the debt due from the proprietary. The requisite acts of claim for 4000 acres, of assignment, warrant, and patent under the Great Seal, were performed between August 16 and October 25, 1649. So a settlement was secured on the Potomac River, near Portobacco. It was called St. Thomas's Manor.<sup>4</sup>

In the following spring of 1650, an assembly session was held, first after the passing of the Toleration Act, twelve months before.

Mr. Thomas Matthews was elected as representative of St. Inigoes hundred. Nearly all of the fourteen members being gathered, an oath was drawn up to be taken by each one, whose "cheife end and ayme," said the formula, "shall bee the glory of God," in discharging faithfully the duty of a burgess. The oath contained a promise to observe secrecy on "all such matters and things as shall be acted, debated, or consulted of, in both or eyther howses of this present Assembly, wherein secrecy shall bee requyred or be requisite, soe far as I may." Then the oath continued: And I "will not wittingly or willingly publish, divulge or speake of the same to any person or persons whatsoever, being noe member of one of the said howses of Assembly. Soe helpe mee God, etc."<sup>5</sup> So formulated, the oath would operate to exclude all conference with a spiritual adviser. Now Matthews was notoriously a clerical, and he represented St. Inigoes hundred.

On the other hand, Mr. James Coxe, Speaker, and Mr. George Puddington, represented the Puritans of Providence. The regard which this section of the population entertained for the rights of their own conscience is said by a contemporary to have already made itself felt. For, in the proceedings of this same assembly, there appears a modification in the oath of fidelity to the lord proprietary. Instead of the absolute engagement to "be true and faythfull" to his lordship, there is a clause of reserve introduced: "Not any wayes understood to infringe or prejudice liberty of conscience in poynt of religion." This limitation is ascribed to the Independents or Puritans.<sup>6</sup>

<sup>4</sup> Documents, I. No. 25.—*Of. History*, I. 546: Cornwaleys's holding of 4000 acres, "upward of Port Tobacco Creek."

<sup>5</sup> *Arch. Md., Assembly*, pp. 261, 262; "April 6, 1650, Sabbath [Saturday]." Mr. William Bretton was clerk.

<sup>6</sup> *Ibid.*, 305.—The oath of fealty makes its appearance 1646, January 2. An act on the oath of fealty was passed by the Assembly, March 4, 1648. The formula of 1648 is wanting in the conscience clause of reserve. (*Arch. Md., Council*, p. 174; 1646. *Ibid.*, p. 196; 1648. *Assembly*, p. 229; 1648; p. 305; 1650.) Compare the earlier attempt made with the Provincial, November 10, 1641; renewed in the draft of a Concordat (1647) (Documents, I. No. 12, B.; No. 22, 6<sup>o</sup>). When Roger Heaman had celebrated in a pamphlet the glorious Battle of Providence, gained a few years later by the Puritans or Independents of Maryland over Lord Baltimore's officers, John

Mr. Matthews, absent on the Saturday, was in his place on Monday. Being called on to take the oath of secrecy, he objected in a well-reasoned argument: That, according to his lordship's instructions, all people believing in Jesus Christ should have the free exercise of their religion in the province; and he, Matthews, ought "to bee guided in matters of conscience by his spirituall councill"; now, if anything came up in debate, and he could not understand it, or form his judgment upon it, then, should he have taken such an oath, "hee could not advise with whom hee ought therein; so, consequently, he should not have the free exercise of his religion." The house hereupon censured Matthews for such an opinion; ordered him to "depart the howse, and not to have any vote therein; who departed and absented himselfe accordingly."<sup>7</sup>

In the upper house this matter was heard of, and Mr. Thomas Greene, a Catholic and late governor, delivered his opinion, taxing the burgesses with injustice for expelling Matthews, and also criticizing them for taking the oath at all. At this the burgesses were indignant; and, two days after the expulsion of Matthews, their Speaker carried a petition to the upper house, "desyryng vindication of their honours" for the said "harsh speeches" of Mr. Thomas Greene. The worthy Speaker, who carried this petition, for the vindication not of any conscience, but of their honour in having scouted a conscience, was, as we have said, a representative of the Independent conscience which had just found refuge in the Maryland city of Providence, and was now reposing tranquilly under a Maryland fig-tree, after suffering oppression in the brakes of Virginia. He brought back word from the governor that an answer should be sent down next day; and also that a bill analogous in tenor to that of the burgesses' oath of secrecy was being considered in the council. For, in the upper house, exception had been taken to the proceeding of the burgesses; yet the object of the proceeding had commended itself to the understanding of their honours. They debated, and then voted in the council that an oath of secrecy should be taken by themselves; but they conceived it "impertinent" in the lower house of burgesses to have settled such a business, if the upper one had

Hammond in his counter-charge stated that the Act of Religion itself (1649) was a condescension to the Puritan or Independent conscience, and also that the oath of fidelity was overhauled at their request. Cf. Neill, *Founders*, p. 121; who then proceeds to connect the incident about Matthews now following in our text (1650), with the Act of Religion (1649), as if this latter, and not the oath of secrecy, were the subject of contention.

<sup>7</sup> *Arch. Md., Assembly*, pp. 274, 275.

not taken action. Politically speaking, we in our times should conceive that it was quite pertinent for a council not representing constituents to take an oath of secrecy, if it chose; but for burgesses, who represented constituents, we should consider it highly impertinent either to anticipate or to imitate a council in so doing.

The thirteen gentlemen who had vacated Mr. Matthews' seat for him proceeded to fill the vacancy; and it would appear from the record that they took it on themselves to perform an executive act, by issuing "a summons" to the sheriff, instead of letting the governor issue his writ. They were liberal enough, however, to let St. Inigoes hundred elect a new member for itself, instead of commandeering one to their own liking.

A week later, the member newly elected for St. Inigoes, by a "summons" duly returned, for a seat not resigned nor vacated, made his appearance in the house. It was none other than Father Copley's other trustee, Mr. Cuthbert Fenwick. The Speaker proposed the oath of secrecy to him. "Mr. Fenwick declared that he would take that oath, provided that it might not prejudice in any sort his religion or conscience. And the howse voted that the said Mr. Fenwick ought not to have place or bee a member in the howse, unlesse hee tooke the oath directly as it lyeth, without any reservation at all eyther of religion or conscience." Language could not be plainer. But three of the thirteen interceded for a little pause, "that the said Mr. Fenwick might have time to consider of the said oath"; and this was granted—an extension till the next morning, by which time Fenwick might examine his conscience and get rid of it. As the three gentlemen in question seem not to have been Catholics, we are inclined to infer that there was not a Catholic in the house of burgesses, except the gentleman called to its bar for conscience' sake.<sup>8</sup>

Fenwick,  
Copley's  
trustee and  
Maryland  
burgess:  
suspended.

<sup>8</sup> Messrs. Mannors, Medley, and Land were the three. Cf. J. Baldwin, *Maryland Calendar of Wills*, I.; *sub voce*.—E. D. Neill, supposing the whole question to be about the Act of Religion, makes out the three, with the gentleman whose conscience was on trial, to be "all the Roman Catholics, four in number"; and that they all "objected to the principles of the Act" (*Founders*, 122, 123).

Not rare, but always curious and entertaining, is the kind of history exhibited in this little sample of Neill's. By a process of unconscious cerebration, even the errors of ignorance have converged towards a conclusion of preference—like the errors of a tradesman which never do damage to himself. With the Rev. Mr. Neill, the preconceived conclusion is: "This Act [*of Religion or Toleration*] was contrary to the teachings of the Church of Rome, since it was the recognition of Christians who rejected the Pope." So preconceived, this idea draws to itself with a magnetic attraction three errors of totally different kinds, which go to establish the preconception as an objective fact. First, suppression: not a word is said of the subject under debate in 1650; which was a point in the standing orders of the Assembly, to wit,

Now it occurred to these legislators that they had not yet received the governor's answer on the question of their honour, and the slight passed upon it in the upper house by Mr. Thomas Greene. They obtained the answer, and it was this: "That the lower howse had not power of themselves to expell any member out of their howse, the Governor not being present. But [*it was*] conceived that Mr. Mathews expelled himselfe, for that hee came not to demand his voyce, after the Governor himselfe was present in the howse."

The fiction  
of law,  
in *re*.

This was a good *factio juris*, to explain the accomplished fact of Mr. Matthews' seat having been taken from him; like so many other fictions of law which have long since settled the accomplished fact of the Indian lands having been taken from them. The governor may have shown his benevolent face, and beamed the rays of equity on the house, at some date and hour of which Mr. Matthews had not been apprised; at the time not signified, no appeal had been made by the person not notified nor present; therefore these two negatives, which did not suffice retrospectively for the positive act of others present in having expelled Mr. Matthews antecedently, did suffice for a positive act of Mr. Matthews absent to the effect that he expelled himself after he had been expelled. We could not have a better example of legal or administrative fictions, whereof in another place we have given divers specimens.<sup>9</sup> This instance would be better still and more facetious if it were the equitable governor himself who by writ to the sheriff had ordered Matthews' place to be filled by another.

What took place now might lend colour to the notion that a dinner is a great social institution. It may not improve logic. But, if it is a good dinner, such as is to be presumed of St. Mary's City hospitality, it certainly improves temper, and may even, as was the

a certain oath obnoxious to the conscience of a Catholic. Secondly, substitution: in place of the subject debated in 1650, Neill shuffles in the Act of Religion or Toleration, passed and done with a year before. Thirdly, fiction: a party dissatisfied with the high-handed proceedings of the assembly, and consisting of three members, besides the Catholic at the bar, is made out by Neill to be a body of "Roman Catholicks, four in number." Now, given these three errors, the preconceived idea follows prone as a conclusion: "When the delegates came to be sworn, all the Roman Catholics, four in number, objected to the principles of the Act concerning Religion, passed by the last Assembly." Neill adds with ingenuous sympathy: "It was not until after the Act concerning Religion was passed that any Protestant clergyman permanently settled in the Province." Here two things become perfectly clear. First, by Neill's subjective process it was Catholic intolerance which the Act of Religion was made to settle. Secondly, in the objective course of things, Mr. Neill's way is precisely that in which more imposing names than his have settled a vast amount of history. We feel not the slightest temptation to encroach on their franchise.

<sup>9</sup> History, I. 575, 576: Kent and others on Indian land.—In the Matthews' case, the necessary equity was to be desiderated: *In fitione juris semper aequitas existit*.

case now, take the ban off religion and conscience. The delegates did honour to this obligation of social life, and then they met again in the afternoon. They came back with an impression, worthy indeed of being ante-prandial, but honoured only as post-prandial, that a man might be allowed to have a conscience. They made a declaration, which, while being a testimony to the mellowness of their mood, was also a witness to the hospitality just enjoyed. But, as a declaration in logical sequence with their previous action, it deserved sparer diet and shorter bread next time. "The whole howse declared that it was never intended, [n]or is now intended by the howse, that in the oath of secrecy any thing is ment to infringe liberty of conscience and religion; where-uppon Mr. Fenwick was sworne as the other burgesses."<sup>10</sup> On the very same premises for which Mr. Fenwick was let in, Mr. Matthews was left out, each for his reservation of conscience. But the house was none the worse for the event. The man inside was as good as the man outside; and this circumstance may have diffused a specific glow of cheerfulness in the bosoms of the legislators. They might also be proud of their achievement in having attempted, only twelve months after the Act of Toleration, to do what no common or statutory law had ever presumed to touch. As Lord Mansfield said, "The common law of England, which is only common reason or usage, knows of no prosecution for mere opinions."<sup>11</sup> Elizabethan statutory law had, indeed, visited opinions, "secrete thoughts," and intentions.<sup>12</sup> But it was the exclusive glory of Maryland legislators in 1650 to have visited and disowned conscience itself, at the very moment when they were appealing to conscience by the infliction of an oath. They had been emphatic with the modesty of understatement the year before, when they only said of themselves to Lord Baltimore, that they were "so illeterate."

No one of the three gentlemen, who had obtained a reprieve for Fenwick from the sentence of suspension, came from the settlement of the Independents, who had obtained a qualifying limitation in the oath of fidelity, the limitation being, "Not any wayes understood to infringe or prejudice liberty of conscience in poynt of religion." This was the very reservation which Fenwick had claimed in the oath: "Provided," he said, "that it might not prejudice his religion or conscience."

The city of Providence.  
A reserve of conscience.

<sup>10</sup> *Arch. Md., Assembly*, pp. 274-278; April 8-18, 1650.

<sup>11</sup> *Of. Anstey*, p. 174.

<sup>12</sup> *History*, I. 91.

But what was good, right, and necessary for the Independents, recent fugitives from Virginia, and welcome refugees in Maryland, was nowise necessary, right, or expedient for Catholics, who had founded the colony of Maryland on the basis of liberality, and had made of it the paradise it was for the rest.

Such was the assembly's commentary in 1650 on the Act of Toleration passed in 1649.

§ 87. Coming now to the last phase of relations between Cecil and the Jesuits, between the first proprietary of Maryland and Copley, sole survivor of the original missionaries, we shall take leave of both these personages, indicating at the same time the gravity of the issues which those relations had involved, and which it was worthy of the gravity of history to ascertain.

The contract of Lord Baltimore with the original adventurers to Maryland had imposed no limit of time for taking out the grants of land henceforth due, for paying him the fees and beginning to satisfy his desire for rent. In fact, as we noticed before, there had not been a stipulation even for rent; it was men he had wanted. But, always reconstructing bilateral contracts of which the other parties had fulfilled their conditions, the proprietary now instructed his Lieutenant-General Stone to issue a proclamation and reform the original bargain, without asking the consent of the other parties. It was clear that such an ordinance needed an apology, which was offered in the proclamation. It ran to the effect that his lordship, having now fixed a time, will have "once offered them grants, and, they refuseing, his Lordship hath performed his Conditions"; and they "must blame theire owne obstinacy, if hereafter they be refused any such grants."<sup>1</sup> On divers dates from 1649 till 1653, a limit of time was fixed, after which claims should expire. The economic policy was good, but we have no further commendation to bestow.

In due time Father Copley "entred a demand of twenty thousand acres of land, due to him over and besides what is already entred."<sup>2</sup> The names of some sixty men imported at the expense of the Fathers, and copied by us elsewhere from the Provincial records, affords an illustration of the grounds on which the claim was made.<sup>3</sup> A few

<sup>1</sup> *Arch. Md., Council*, pp. 229, 280; April 18, 1649.—*Ibid.*, pp. 242, 243, 253, 254, extensions of time granted till Michaelmas, 1650.—Kilty, *Landholder*, pp. 53, 54, a further extension till May, 1658, but only for recent adventurers.

<sup>2</sup> *Arch. Md., Council*, p. 258; August 16, 1650.

<sup>3</sup> Documents, I. No. 30. The colonists put to the credit of the Fathers for the year

days afterwards, the recent governor, Thomas Greene, testified to the substantial accuracy of Copley's demands.<sup>4</sup>

Here ended the claims of the Society on Lord Baltimore for the payment of his debt. Henceforth the policy of the Jesuit mission had to be that which the General Vitelleschi, and his temporary successor, the Vicar-General Sangrius, had sketched in 1644, when treating of the religious foundation in Maryland, and of Baltimore's recalcitrancy. The former had written: "Whatsoever the event shall be, let us not fail to do good, using such facilities as God will grant; for neither shall we fail to reap in due time. Let our predecessors be our models, those who were the first to reap in the Indian harvest; yea, the Apostles themselves, who under the severest trials, in cold and nakedness, in hunger and thirst, and amid a thousand perils, sowed the word of God. Be it so, that labours are extreme. One day, eternal rest will make compensation in measure exceeding great." The Vicar-General had written, when Baltimore persisted in demanding back from the Fathers St. Inigoes Manor and the St. Mary's town land already granted by the governor, L. Calvert: "As far as in us lies, we say cheerfully: Let him give us souls; the rest he may take to himself."<sup>5</sup>

The final situation as to Jesuit property.

The future foundation for religion and education had to be purchased of other people. Since, with Cecil Lord Baltimore, as with Henry VIII. and Edward VI.,<sup>6</sup> perpetuity in the religious use of property was as undesirable as perpetuity in a corporate body using it, and henceforth secret uses and trusts, no less than corporations, were to be excluded from the province of Maryland, the Fathers were constrained, in the course of some twenty-six years, while Cecil Lord Baltimore still lived, to save their religious property as best they could, by making no less than a dozen conveyances.<sup>7</sup> Three of them were made to lay gentlemen; the rest from Jesuit to Jesuit. Peering into the darkness, which the revolutions of little more than one generation brought

The future foundation for religion.

1633 alone, whether by direct importation, or by conveyance from others, amount to twenty-nine, representing £580 sterling in outlay, and 11,600 acres of claim. See *Ibid.*, No. 9, p. 146, *ad* note 1. In presenting that illustration, we did not examine whether the names registered for the respective years exhausted the account of the Fathers' credit. Thomas Greene's testimony puts the number down as "at least sixty persons."—See *History*, I. 264, 265.

<sup>4</sup> *Arch. Md., Council*, p. 259; August 25, 1650.—*Ibid.*, p. 258, is given a partial list of persons imported, and placed to Copley's credit.—*Cf. Md. Hist. Magazine*, ix. 38.

<sup>5</sup> *History*, I. 560, 561.—*Documents*, I. No. 6, L, N; 1644.

<sup>6</sup> *Cf. Appendix D* (pp. 655-657), "Charity and Mortmain."

<sup>7</sup> *Documents*, I. No. 85.



over all this period, Father Attwood, in the early part of the next century, threw out a tentative suggestion on the subject of one conveyance; but it was shrewd on the subject of them all. He said, "Tis probable this certificate was procured only to save our property in bad times." <sup>8</sup>

After Cecil's day, when his descendants had become Protestants, we find wholesale assignments of Jesuit chattels and of real estate made to lay gentlemen, in the hope that bargains of lease and release, or conveyances for ten shillings, might avail to save the religious foundation for its purposes.<sup>9</sup> Except during the auspicious period of government when Charles was Lord Baltimore, third of the name, there prevailed, as affecting religion, a continuity of policy under Cecil, second lord, under the royal Orange government which ousted the third lord, and under Cecil's later descendants who were Protestants.

§ 88. We arrive at the close of Copley's career. The General Piccolomini answered his letter of February 14, 1650, by expressing a sense of satisfaction. He desired Copley and Starkey "to win and preserve the good will of the new governor [*Stone*]" ; but with the usual limitation that, if offence were taken, it should not be for any "just" cause given. He was gratified at the steadiness of the Catholics and the conversion of non-Catholics, in spite of the heretical preacher. He added: "I do not doubt that the school opened by the Father, your companion, will be worth the pains." <sup>A school in the colony.</sup> With congratulations on the subsidence of the late commotions, and on Copley's recovery from a long and grievous malady, the General encouraged the Fathers to pursue their apostolic work among Indians and whites. Father Starkey's school, thus referred to, we may connect with the presence in Maryland of Mr. Ralph Crouch, who was a man of some education, had been a Jesuit lay brother in Belgium, and, after being "the right hand and solace" of the Fathers in America at this time, was readmitted again into the Society.<sup>1</sup>

One letter from Father Nickel, successor of the General Piccolomini, greeted Copley in 1651, with felicitations on the number of

<sup>8</sup> Documents, I. No. 25, note 13.

<sup>9</sup> *Ibid.*, Nos. 40, 80; 1717, 1746.—See *infra*, pp. 483, 529.

<sup>1</sup> *Ibid.*, No. 6, A<sup>2</sup>; August 20, 1650.—On R. Crouch, cf. Foley, *Records*, v. 953.—The minister mentioned was, no doubt, the Rev. W. Wilkinson, whose arrival with his wife, daughters, etc., in 1650 or thereabouts, Neill mentions, and adorns with the curious remark: "Like Father Thomas Copley, he engaged in trade, to assist in his support" (*Founders*, p. 123).

conversions, and the promise held out of abundant fruit, if only hands were available. But, at the end of the next year, 1652, the same General desired the Provincial to send a reinforcement. Copley had died; and Starkey was alone. The surviving Father was left with Virginia and Maryland to tend, and a school besides. The General wrote a letter of comfort, telling Starkey of the order given that assistance should be provided, and alluding to some "new laws and disturbances" in the colony.<sup>2</sup>

Death and  
character of  
Copley.

Thomas Copley, or Philip Fisher, died on July 14, 1652, when commissioners of Cromwell's Parliament had already come to Virginia and Maryland, imposing new laws and creating new disturbance. He was fifty-seven years of age, had been thirty-five in the Society, and was a professed Father for twenty-two years. Though not the founder of the American mission, he was the most prominent figure in it, during the first twenty years of its existence. His health was poor, but his activity great.

When Father Henry More, Provincial, reported Father White's eminence in gifts of intellect and in every line of professorial capacity, he credited Copley with solidity in intellectual parts, and excellence in divinity. We may add that the latter was conspicuous for administrative ability, as Father White was not. The two of them together carried out the best traditions of the Society, with regard to far-off and lonely missions. Books and aids for consultation always falling short in such remote places, men had to be provided whose learning was no paper appendage, and whose talents in conjunction met the practical and speculative needs of the situation. So, has it been noted, did Parsons and Campion supplement one another, while each contributed a very rich fund of qualities for their work in England.<sup>3</sup>

Father More, when in contact with the Baltimore party, criticized Copley, White, and Gravener, who were the entire Maryland mission of the time, for a deficiency of judgment and prudence. He sent over Father John Brooke or Poulton to supersede Copley; and his estimate ranked Poulton as soundly judicious and prudent.<sup>4</sup> But, within three years, this Father's communication to Knott, More's successor as Provincial, revealed a state of things which justified the preceding conduct of the Fathers;<sup>5</sup> and Knott took the stand of abolishing the mission altogether.

Copley's  
practical  
abilities.

<sup>2</sup> Documents, I. No. 6, C<sup>2</sup>-E<sup>2</sup>; September 16, 1651; December 14, 1652.

<sup>3</sup> Simpson, pp. 107, 195.

<sup>4</sup> History, I. 423.

<sup>5</sup> *Ibid.*, 480-482.

Indeed, Copley was never able to elicit from the Baltimore party so obvious a vindication of their proceedings as an appeal to the Maryland charter or to Conditions of Plantation; but he beheld instead papers submitted to the Jesuit Provincial, begging for a new charter from him, demanding a resignation of rights, and supporting petitions and demands with a violent eviction of the missionaries from Mattapany. On this latter case, Dr. Francis Silvius of Doway, a person nowise connected with the parties or the colony, delivered a learned opinion entirely in keeping with Copley's view of the case.<sup>6</sup>

As to his spiritual qualifications for being a minister of the Divine Word, Thomas Copley's antecedents and the tenor of his whole life were significant enough. *Spiritual endowments.* An eldest son, and heir to a most ample fortune, he was engaged in his studies, says Father Henry More, when he conceived the desire of entering the Society. To withdraw him from that notion, his father came over from England (apparently to St. Omer's), took the young man home, involved him for three years in the administration of the extensive patrimony, yet did not succeed in weaning him from his vocation. Copley transferred to his younger brother all his rights of primogeniture, as well as the contingent rights of other large possessions, and then betook himself to the novitiate. At last, continues More, when the Father had undergone many labours for the propagation of the faith, he died in Maryland a holy death worthy of his life.<sup>7</sup> These labours had included a violent transportation from America to England; trial for his life as a traitor; and another voyage to America, in the teeth of Parliament as well as of other antagonists. The General wrote in commendation of his zeal, that, not yet sated with labours nor wearied to death with sufferings, he was imitating the divine love of One who left ninety-nine sheep on the eternal hills and sought the lonely creature lost amid the briars of the earth. Rightly, added Father Carrafa; for, if the greed of lucre draws merchants to the farthest Indies, why should not the heavenly merchant do as much or more, to lay up riches in heaven for himself and others? "Proceed then auspiciously, leaning on thy Beloved."<sup>8</sup>

While Copley lived, he had much to do with Cecil Lord Baltimore. As these pages show, the temporal destinies of the Catholic

<sup>6</sup> *History*, I. 570-578.—*Documents*, I. No. 17.

<sup>7</sup> More, ix. §§ 23, 24. The name, not given in the text, is supplied in More's own index: "Thomas Copley, l. 9, 24."

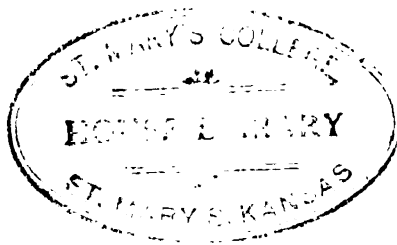
<sup>8</sup> *Documents*, I. No. 6, V; January 25, 1648.

Church, in the only colony where missionaries had a footing, were largely shaped by the temporal policy of this nobleman. Many reasons intimately concerning the thread of this History, which has been woven from contemporary documents, invite us to review him. For a special reason concerning toleration, the name of this second Lord Baltimore has become celebrated in the general history of civilization. That circumstance affects also the Catholic Church. Some say he was tolerant because he was a Catholic; others say, No; he was tolerant because he was Cecil Lord Baltimore.<sup>9</sup> All these matters, which have become burning questions in some part of the world, belong to the period now closed. Though this lord proprietary outlived Copley about a quarter of a century, we have little more to do with him. In 1656, he commissioned his half-brother Philip Calvert to be secretary of the province. In 1661, he appointed as governor his son, Charles Calvert, who at a later date succeeded Cecil as third Baron of Baltimore. Under the influence or administration of these gentlemen, there was a term of peace and good will between the government and the missionaries. Then the Orange Revolution broke out, and the proprietary lost his government.

As we cannot interrupt the narration here to explain the circumstances which have made Cecil Lord Baltimore a figure so interesting in history, we defer the matter to a later page, and a special Appendix upon him.<sup>10</sup>

<sup>9</sup> Cf. Hall, *Lords Baltimore*, p. 88.—*Md. Hist. Magazine*, i. 367.

<sup>10</sup> Appendix E (p. 671, *seq.*), "Cecil Lord Baltimore."



## CHAPTER VIII

### MISSIONARY LIFE BETWEEN REVOLUTIONS, 1653-1672

§ 89. Father Darby: 1653, 1654. § 90. A revolution: 1655-1657. § 91. Refugee missionaries in Virginia: 1655. § 92. Anti-Jesuit intrigues in Maryland: 1658, 1661. § 93. Men and movements: 1661-1663. § 94. Proposal to dissolve the Maryland mission: 1662. § 95. Catholic religious life. § 96. Estimate of missionaries. § 97. Policy and practice of Jesuit missions in general. § 98. The Franciscans in Maryland: 1672. The Propaganda. § 99. Relations of the Propaganda with the Orders.

**Manuscript Sources:** Cambridge University Library, Warner's *Note-Book*.—Archives S.J., *Anglia, Epistolae Generalium*; *Anglia, Historia*, v.—(London), Public Record Office, *Colonial Papers*, xii.; *Dom. Car. II.*, xlix.; *Dom. Interregnum*, cxxii.; *Transcripts from Rome*, general series, xxxv.—(Rome), Propaganda Archives, *Acta*; *America*, 3, *Canada*, 256; *America Centrale*, i.; *Congreg. Gen.*, *Ibernia*, xix.; *Congreg. Partic.*, 1638; *Missioni, Miscellanea*, iii.—Stonyhurst MSS., *Anglia, A*, v.—Maryland-New York Archives S.J., L. 1.

**Published Sources:** Hughes, *Documents*, I. Part i., of this series, *History S.J.*—*All the Several Ordinances*, (1650).—*Articles of Christian Religion*, (1648).—Baldwin, *Maryland Calendar of Wills*, ii., iii.—Brady, *Episcopal Succession*, iii.—*Calvert Papers*, i.—Carrez, *Atlas Geographicus S.J.*—*Constitutiones S.J.*—Foley, *Records*; *Collectanea*.—Hughes, *Loyola*.—Johnson, *Foundation of Maryland*.—(Maryland), *Archives of Maryland: Proceedings of the Council*, 1636-1667; *Proceedings of the General Assembly*, 1637-1664.—*Massachusetts Historical Society Collections*, 5th series, vi.—Meyer, *Die Propaganda*, i.—Neill, *Founders of Maryland*.—Propaganda, *Collectanea*.—Public Record Office, *Calendars, A. & W.I.*, i., viii.—*Records and Studies*, v.—*Researches*, xxvi. (1909).—Scharf, *History of Maryland*, i.—Shea, *History of the Catholic Church in U.S.*, i.—*Statutes of the Realm*.—Taunton, *English Black Monks of St. Benedict*.—Thaddeus, *Franciscans in England*.—Weldon, *Pax*.—*Woodstock Letters*, xv.

JESUIT members, their movements, adventures, and characters, afford us an opportunity of seeing in action divers principles of Jesuit life.

We forego a formal analysis of the Jesuit Constitution itself, because the space which it would require has already been given to the subject in publications analogous to our own, and contemporary.<sup>1</sup> We simply present the course of events in this period, with the lessons which they convey, as altogether typical of the century which followed. The conditions of missionary existence in America are specially to be noted, as being not a little at variance with normal conditions of the Order's activity. At the same time it may be observed, that in more recent times circumstances very similar have imposed themselves on Jesuit life in most parts of the world, with the persistency of a normal and stable environment.

Notwithstanding the drawbacks of administrative pressure from the side of political powers, we infer that the general Catholic life in Maryland was healthy and vigorous. Still, as hopes faded away of any future there, which would warrant the continued expenditure of men and means, Jesuit authorities seriously entertained more than once proposals to dissolve the American mission.

§ 89. At the date of 1650 an effort was made to introduce another religious Order into Virginia. This geographical designation did not exclude Maryland. The Capuchins of Paris petitioned the Propaganda for authority "to institute a mission in New England or Virginia, and to send thither six missionary Fathers for the conversion of infidels." Capuchin  
missions  
projected,  
1650-1671. Urbano Cerri, at a later date (1675-1679), left it on record that the Queen Dowager of England promoted this mission.<sup>2</sup> The Sacred Congregation, giving its approbation, referred the execution of the project to the French nuncio. Five years later (1655), a similar petition came from the same quarter; and the Propaganda called for information from the same nuncio. Twenty-one years afterwards (1671), the nuncio forwarded from Paris an ample plan for the evangelization of "Florida in the North." Capuchins were to be sent; and "a person of quality in Paris" would defray all the expenses. But, where the mission was to be, it is beyond all our geographical acquirements to ascertain. This "Florida of the North" was "in countries recently discovered by Lorenzo Vanhenskerk<sup>3</sup>

<sup>1</sup> Astrain, *Historia de la Compañia de Jesús*, i. 162-199.—Fouqueray, *Histoire de la Compagnie de Jésus en France*, i. 100-126.—Tacchi-Venturi, *Storia della Compagnia di Gesù in Italia*, ii. lib. 3.—For a sketch of the Jesuit institute, see *History*, I., § 5, pp. 161-168; II., *infra*, p. 181, note 8.

<sup>2</sup> With Urbano Cerri, Virginia, New England, and the fisheries (Newfoundland?) seem to be one and the same object.—*Cf. History*, I. 202, note 20.

<sup>3</sup> *Cf. infra*, p. 142, note 12.

in North America, near the Sea of Corvia." From this base of operations, the missionaries could penetrate "into divers countries of America, Tartary, islands of Asia, and Australian lands." Going to this strategic point, it was said that "one arrives in six months of navigation, by the northern way to those parts, whereas oftentimes not two years suffice." Everything was said to be ready for the expedition. The Propaganda approved. What became of the project we have failed to discover. In Acadia, the flourishing Capuchin mission, which had begun in 1632, came to an end in 1654. Thirty-five years afterwards we find mention made of a Capuchin, Alexander Plunkett, in Virginia.<sup>4</sup>

As to the Jesuit Maryland mission, Father Francis Fitzherbert or Darby was sent by the Provincial, Francis Forster, to help Father Starkey. He arrived in 1653. He was forty-two years of age, and had been twenty-one in the Society. After being chaplain to the forces at Ghent, he had worked in the island of Madera, which belonged to the Portuguese province; had taught moral theology at Liège; and now was ripe, vigorous, and ardent. His intellectual capacity was excellent, his judgment sound. It was reported at the time that his prudence in action corresponded to his judgment; that is to say, his good sense and discretion in dealing with others were considered to be on a level with his clearness of apprehension. There is a wide range in the intellectual temper of men, from the theoretic capacity which apprehends principles of action to the practical bent for business which deals actually with circumstances; and there are various combinations of both talents combined. Darby's learning was considerable, his experience very wide, his temperament energetic. He was the man for missions. But the event proved that he was too ardent; and that, in dealing with others, energy ran ahead of discretion. He would seem to have brought with him from the soldiers' camp at Ghent a mailed fist into civil life, instead of a gloved hand.

During two months the ship in which Father Darby had embarked struggled for existence with an unbroken series of storms. He, like the rest, worked continuously at the pumps. He was laid low by a fever, and disease carried off not a few. The crew headed for Barbados, but could make no way. They thought of the boats;

<sup>4</sup> Prop., *Acta*, February 21, 1650, 15°; October 5, 1655, 26°; April 27, 1671, 29°.—P. R. O., *Cal.* viii. p. 52, § 157 (vii.): February 24, 1689, A. Plunkett, O.M.C., Virginia, to Sir Thomas Montgomerie, Barbados.—*Rec. and Studies*, v. 290-296, O. Jerom, O.M.C., "The Capuchins in America." Cf. *Records*, xxvii. 191-229, J. Lenhart, O.M.C.

but no boats could live in such a sea. Death stared them in the face on every side, till, as the annual letter says finely, the fear of destruction becoming familiar, they scarcely feared any more. But, if they lost that sense in a stolid fatalism, they also lost their wits in a superstitious awe. It could not be the skies, nor could it be the sea, that caused such a continuous commotion. It must be a witch aboard. They seized a poor woman, tortured her, convinced themselves, if they did not convict her; and then they hanged her. The corpse and everything that had belonged to the victim they did away with, by throwing them into the sea. But that did not do away with the storm. Nevertheless, out of the depths of the ocean Father Darby stepped on solid earth in the port of Maryland.<sup>5</sup> It is remarked of him that, as he had undertaken this voyage at the first sign of the superior's desire, and with singular largeness of mind had started off without the comfort of any fellow Jesuit's company, so the moment he had arrived he gave splendid specimens of his zeal for souls. The General signified his satisfaction to the Provincial, Father Knott.<sup>6</sup>

§ 90. Stormy times were now coming over the Maryland colony. A war of reprisals had been in progress between the royal authority and the Parliament party. Cecil Lord Baltimore was supposed to be identified with the royalists. Charles I., Political vicissitudes, 1644-1655. in January, 1644, had given the Maryland governor, Leonard Calvert, a commission to take offensive measures against the Parliamentarians. After the execution of that king in 1649, Baltimore's governor, Thomas Greene, publicly acknowledged Charles II. But, in the following year (February 16, 1650), the same royalty issued a commission at his Court in Jersey, appointing Sir William Davenant Governor of Maryland, and disowning Lord Baltimore, who was visibly trafficking with the Parliament. This was followed by another commission from Breda (June 3, 1650), settling a royal government in Virginia. On the other hand, the Parliament was discussing Lord Baltimore's papistical irregularities, from the foundation of Maryland onwards. It appointed a committee to reduce by force Barbados, Antigua, Bermudas, and Virginia. If not within the express terms of the commission, at least in the

<sup>5</sup> Documents, I. No. 8, R; 1654.—In the investigation about the murder of Mary Lee, Darby's deposition appears, signed June 23, 1654 (*Arch. Md., Council*, pp. 307, 308).

<sup>6</sup> *Anglia, Epist. Gen.*, February 7, 1654.



execution of it, Maryland was included as being, like Virginia, a plantation within the bay of Chesapeake.

Between the two opposing powers Lord Baltimore struggled for existence, chiefly by clearing himself with the powers that were, the Parliament in London. But everything went down before the commissioners in Maryland. The Puritans of Providence, late refugees, who had "exceedingly scrupled" any oath of fidelity to the proprietary, now acted on their scruples in a peremptory style, and defeated Governor Stone in the Battle of Providence (March 25, 1655). Puritans entered into undisputed control of the province, and the laws passed under the commissioners suited them perfectly. A new Act of Religion extended toleration to all forms of Christianity, except Popery and Prelacy, that is, except Catholics and Anglicans. In substance, none were tolerated by the Puritans, except themselves.<sup>1</sup> Other acts for the maintenance of public morality were equally salubrious; as those regarding drunkenness, false reports, slandering, talebearing, the observance of the Sabbath day, not to mention swearing. Two delegates who had sworn fidelity to the proprietary did not see how they could in conscience break their oath. They were unseated. All the province was dispensed from the said oath; it would be "collusion and deceit" even to ask Lord Baltimore for a share of his lands; all that should "transport themselves or others into this province have a right to land by vertue of their transportation."

Baltimore's situation was desperate. But Cromwell was politic. He managed the colonial dependencies, no less than Scotland and Ireland, with his usual diligence and ability. While a "Committee for businesse of Jamaica," considered on October 3, 1655, "of the allowance of a thousand Irish girls and youths to be sent to Jamaica, etc.," and gallant gentlemen persisted strenuously in conducting this business "of transporting youths"<sup>2</sup> (February 8, 1656), they also considered "of the business touching renewing of charters" (February 29). A "Committee of the Councell" considered "of fit persons for preparing charters, etc.," while another such committee "for Scotch and Irish affairs" was considering the same day "of the debate in Councell concerning Papists, etc." (June 10, 1656).

By way of fixing a middle term of comparison with Elizabethan anti-Popery which had preceded,<sup>3</sup> and Orange zeal which was to

<sup>1</sup> *Arch. Md., Assembly*, pp. 340, 341; October 20, 1654.

<sup>2</sup> *Cf. History*, I. 282-284.

<sup>3</sup> See *History*, I. 88-92.

follow, we record for this date, halfway between those developments, the present relay of Cromwellian Independent legislation. With more frankness than people on the throne sometimes exhibited, the usurper of the Commonwealth and his Council were speaking and acting plainly. Both Houses of Parliament, "after advice held with the Assembly of Divines," had sat as an ecumenical council in 1648, defining "Articles of Christian Religion." Thirty-one chapters there were, defining what every one should believe from the notion and canon of Holy Scripture down to the Last Judgment. Peter Sterry, "now preacher to the Right Honourable the Councill of State, sitting at White-Hall," could enlarge with complacency, fours years later, in a book on *England's Deliverance from the Northern Presbytery, compared with its Deliverance from the Roman Papacy*. In 1650, a "very useful" publication was ordered by the Commons of *All the several Ordinances and Orders made by the Lords and Commons assembled in Parliament, concerning sequestering the estates of Delinquents, Papists, Spies, and Intelligencers*; a very useful blue-book indeed, for, in the long lists of the sequestrators themselves and of the committees or prize-courts in every country, each individual appointed was to understand that he himself should be treated as a Papist or notorious delinquent, if he did not do his duty. "For encouragement of such as discover priests and Jesuits, and their receivers and abettors," the act of February 26, 1649, assigned the same reward "as is by a late Act conferred and ordained for the apprehenders of highwaymen." A statute of January 19, 1653, passed not by Lords and Commons, but by his Highness the Lord Protector and his Council, and ordered to be printed and published as soon as possible, had a proviso of immense proportions, maintaining in full force, under pain of high treason, whatever the laws and statutes of Elizabeth and James I. had enacted against the authority of the Church of Rome, against Jesuits and every other denomination of Catholic ecclesiastics; as also against converts who dared to be converted, and so forth. In 1657, the great increase of Papists rendered a sweeping law necessary against all of them. Two-thirds of all estates belonging to Papists were to be seized by the Protector and his successors. Refractory heirs were disinherited. Marrying a Catholic wife constituted recusancy-convict. A test oath pursued the Papist into every crevice of Catholic doctrine, about the Pope, Transubstantiation, Purgatory, the Mass, the Crucifix, the merit of good works. If, however, a Papist recanted, he was rehabilitated in full on every count, even of property already confiscated.

Anti-Jesuit  
and anti-  
Papist Crom-  
wellianism.

The end of it was that Lord Baltimore kept his own after all. He accepted a new charter under the Commonwealth. The endorsement, contemporary with the document, says distinctly, "Boundaries of Maryland granted to My L<sup>d</sup>. Baltimore, 20 June, 1656."<sup>4</sup> Only one paragraph of the patent is reported in the records; it is identical with the third paragraph of the original charter, except that the one allusion to royalty therein has been dropped. Attached to this protocol of the patent is the well-known portrait of Cecil Lord Baltimore, with the note engraved: "*Anno Dñi*, 1657. *Ætatis*, 51"; which therefore represents him for the time when Baltimore's feudal tenure of Maryland had lapsed. He was permitted to keep the province, and his status of feudal lord was now supplanted by that of a common landholder.<sup>5</sup> In the same year (November 30, 1657) he made a final agreement with the Parliamentary commissioners. Among the articles of pacification, he ceded his claim to exact an oath of fidelity from any who were actually resident in the province, a claim, however, resumed with respect to new-comers after March 24, 1658. A mere promise or engagement, meanwhile, being substituted for the oath, the delicacy of the Puritan conscience was respected. On the other hand, under the guise of a concession to be made by Baltimore, the commissioners and their Puritans recanted. They would not be intolerant any more towards others; and this tractability, or inability to follow their instincts, they discreetly put under the guise of Baltimore's being tolerant enough to put up with all—and therefore with them. They stipulated for a promise that he would "never give his assent to the repeal" of the old Act of Religion or Toleration, which they had torn to pieces by their act of intolerance. Three years later, on the restoration of Charles II., the proprietary of Maryland was holding his province quietly, as if he held it under the original feudal charter of Maryland. He said nothing; and nobody challenged the fiction.<sup>6</sup>

<sup>4</sup> P. R. O., *Col. Papers*, xii. No. 71. The date, "20th June, 1656," appears in the margin against the first lines of the document. The rest, "Boundaries of Maryland granted to My L<sup>d</sup>. Baltimore, 20 June, 1656," is an endorsement on f. 2v. Everything seems to be in the same contemporary handwriting.

Hence the title given to the document in *Arch. Md., Council*, p. 819, is unwarranted and misleading: "Abstract of Lord Baltimore's Patent, 20 June, 1656," insinuating that this was a mere memorandum of the original charter, or had anything to do with it, beyond borrowing the description of Maryland from the charter, by a translation from the Latin. The purpose seems distinct enough in the endorsement. The document takes out the "Boundaries" for a new patent, and leaves out all the rest. See Appendix C, pp. 688, 689.

<sup>5</sup> For the feudal effects of the proceeding, see Appendix C, *loc. cit.*

<sup>6</sup> *Arch. Md., Assembly*, pp. 840 *seq.*, October 20, 1654; 870, 6<sup>o</sup>, April 27, 1658.—

When Charles II. was restored in 1660, an "Act of Free and Generall Pardon, Indempnity, and Oblivion" was promptly passed. It is interesting to note the following among exceptions: "And alsoe excepted out of this pardon all and every offence and offences committed or done by any Jesuit, <sup>Anti-Jesuit reservations under Charles II.</sup> Seminary, or Romish Priest whatsoever, contrary to the tenor" of 27 Elizabeth, c. 2, "An Act against Jesuits," etc.<sup>7</sup> In this provision there was a continuity of policy, not merely with the antecedents of Cromwell's Commonwealth, but with those of an ancient one less Christian still. None had been more self-sacrificing or industrious on behalf of Charles I. than the Catholic body, priests and laity alike. But, as after the murder of the emperor Galba, people demanded the blood of Celsus, being offended at his industry and fidelity to his lord,<sup>8</sup> so, to avenge the murder of the reigning king's father, the eager penitents demanded the blood of the Catholic priests. And the story of fifteen hundred years went on in the even tenor of what Suetonius serenely described: "The Christians were ever afflicted with punishments; a race of men given to a new superstition, and malevolent."<sup>9</sup>

But let us see what had become of the Jesuit missionaries during all this colonial turmoil.

§ 91. It was after the Battle of Providence (March 25, 1655) that the Maryland Fathers found themselves in the condition which the annual letter for 1655 and 1656 describes amply. The victorious rebels, having killed three Catholics and one <sup>A Puritan assault. The Jesuit refuge in Virginia.</sup> other prisoner in cold blood, broke into the house of the Jesuits, "calling for the imposters, to put them to death, bent on making a butchery of them as soon as caught." This seems to mean that the Providence men invaded St. Mary's county, and assaulted St. Inigoes. But the Fathers, who had

*Ibid.*, Council, 819, patent, June 20, 1656; 332-334, agreement, November 30, 1657; 336, 339, 340, 8°, 341, 353; 1657, 1658.—P. R. O., *Dom. Interregnum*, No. 122, I, a committee book, pp. 1, 8, 11, 18; 1655, 1656.—*Ibid.*, *Col. Papers*, xii. No. 71, June 20, 1656; No. 72, portraiture, 1657.—Cf. Scharf, i. 201-229.—P. R. O., *Cal.*, i. 490, September 26, 1655; 481, October 26, 1655, some of the names of the Interregnum committee men on colonial affairs.—*Articles of Christian Religion*, June 27, 1648.—Scobell, *Collection*, 1648 to 1651, pp. 62-71.—Stonyhurst MSS., *Anglia, A*, v. ff. 88-86; "Decretum," January 19, 1658. *Anglia, Hist.*, v. pp. 589-591; "Decretum," 1657.—Cf. Johnson, *Maryland*, pp. 129-131.

<sup>7</sup> 12 Car. II., c. 11, § 18; 1660.—On 27 Eliz., c. 2, cf. *History*, I. 90, note 20.

<sup>8</sup> Tacitus, *Hist.*, i. 45: "*Marium Celsum . . . ad supplicium expostulabant, industriae ejus innocentiaeque quasi malis artibus infensi.*"

<sup>9</sup> Suetonius, *Nero*, 16: "*Afflicti suppliciiis Christiani, genus hominum superstitionis novae et maleficae.*"

probably taken a boat on one side of St. Inigoes Neck, doubled the point of St. Mary's River towards Virginia; and, says the letter, they "passed under the eyes of the aggressors without being recognized in the skiff. Their books, furniture, and whatever was in the house became the prey of the robbers.<sup>1</sup> They themselves,

<sup>1</sup> Heaman, in his *Narrative*, was probably referring to this exploit when, taking his information at second-hand, he connected the Battle of Providence with the booty of "consecrated ware," "their pictures, crucifixes, and rows of beads, with great store of relics and trash they trusted in" (cf. Scharf, i. 221).

Scarcely anything wrought up the blood of a Puritan quicker than the sign of Christ's Redemption. Indeed, Sandy, Archbishop of York, had remonstrated with Queen Elizabeth herself, because she allowed a crucifix in her private chapel. Compare the *Mass. Hist. Soc. Coll.* (5th ser., vi. 142, 143, 149, 150) for Judge Samuel Sewall's jubilee and ribaldry when the news came of the Jesuit College at Quebec being burned, and the Cross on the steeple "with a Crucifix on it" having been consumed. Sewall desired Mr. Campbell to print in his *News Letter* some Latin and English effusions, which we shall give. At first, Campbell was recalcitrant. Perhaps he was a Christian. But, if he did finally reproduce Sewall's translation, the loathsome epithets of which we cannot on any account copy here, he may have lapsed for a moment into the paganism of the writer:—

"Novr. 25 [1705. *Death of Capt. Samuel Clark*.:] The Lord fit me for my change. Dec. 1. Made this Distich on the burning of the Quebec Cross:

"*Cruz atrox tandem flammam sentire jubetur :  
Ipsa Salus fallax igne probata perit.*"

"The . . . . . Cross at length  
Was forc'd to taste the flame :  
The . . . Saviour to the fire  
Savoury food became."

"Xr. 24th. I could not persuade Mr. Campbell to print my addition to the Quebec Article, last [*News*] *Letter* : but now he does it :

"*Gallica Cruz aequam flammam sentire coacta est :*

*Ista Salus fallax igne probata perit.*

*Iddum* [Idolum?] *nihil est, restat de stipite longo—*

*Nescio quid cineris, quem capit urna brevis.*"

Sewall adds further notes and reflections. A little later than this time, the sceptic, Edward Gibbon, sneered in his most approved style at the Cross and Labarum of Constantine. H. H. Milman very properly attached a note to the passage, giving the lines of Prudentius on the same subject. They serve as a commentary not only on the scoffing sceptic's, but on the coarse Puritan's profanity :

"*Agnoscas regina libens mea signa necesse est ;  
In quibus effigies crucis aut gemmata refulget  
Aut longis solido ex auro profertur in hastis.  
Hoc signo invictus transmissis Alpibus Ulter  
Servitium solvit miserabile Constantinus. . . .  
Christus purpureum gemmanti textus in auro  
Signabat Labarum, clypeorum insignia Christus  
Scripserat ; ardebat summis crux addita cristis.*"

(Prudentius, *In Symmachum*, l. ii. 464, 486.—H. H. Milman's *Gibbon, Decline and Fall* (1846), ii. 154, note 32).—On Sewall's psychology, cf. *infra*, p. 664, note 12.

For the story of the Cross in Massachusetts, from the time when John Endicott (1684) cut the sacred emblem out of the English ensign, and suffered for it "mildly," since he only did it like "a good tender-conscion'd Christian," till the date when Samuel Sewall tendered the resignation of his commission (1706) because St. George's Cross was "to be put into the Colours," and farther on, till the "symbol of idolatry" was laid aside "for ever" at the American Revolution (1775), see *Researches*, xxvi. (1909), 321–381; where, however, the editor has not scrupled to record two things. First, he has reproduced Sewall's obscene epithets, such as we have omitted. Secondly, he has not suppressed the disconcerting fact that the

having lost almost all their personal and house property, and running a great risk of their lives, reached Virginia secretly; and they are dragging out their existence with the greatest difficulty in the direst want of necessaries. They live in a vile little hut, mean and low down in the ground, not very different from the cistern or tomb, in which that great bulwark of the faith, St. Athanasius, lay hid for many years. To their other miseries has been added the misadventure that the contributions sent to the missionaries this year by pious persons in England<sup>2</sup> were intercepted with the ship, and all was lost. But their severest privation is that they have not even wine enough for the mysteries of the altar. They have no servant either for domestic purposes, or to guide them through unknown and suspected localities, or to row and steer their boat when that is used. Oftentimes one or other, alone and unaccompanied, traces his way to distant parts and retraces it, no other pilot directing their course than Divine Providence. And let it be that the enemy withdraw and they go back to Maryland, still the ill-treatment which they have already suffered from their fellow-colonists, and that which hangs over them still, is scarcely more tolerable.”<sup>3</sup>

As the last vows of Father Starkey, in the quality of a spiritual coadjutor, had been taken by him during a former exile in Virginia, so in times darker still the profession of three vows was made now by Father Darby (September 15, 1655); the scene of the solemn ceremony being a sunken hut or a covered hole in the same Virginia. For the rest, the two missionaries were not idle, as the account just given has shown. They were moving about in unknown and dangerous districts; sometimes ranging over wide and waste rivers to distant places; and that, not in company, but each one alone.<sup>4</sup> Since Father Starkey had written to the General, advocating the despatch of younger men to America, that they might with more facility learn “the language of the country,”<sup>5</sup> we infer that he and his companion were engaged in work with the Indians, however much or little they could do with the whites.

Half a year before the Maryland province returned into Lord Baltimore's hands, Starkey departed this life (February 13, 1657), at the age of fifty-one. He died in Virginia. Five years later, in

first church which came to be erected in Boston was dedicated under the name of “The Holy Cross”; and the present magnificent cathedral bears that name to-day.

<sup>2</sup> This seems to mean the supplies from the Provincial.

<sup>3</sup> Documents, I. No. 8, T; “1655 & 1656.”

<sup>4</sup> Cf. *infra*, p. 65.

<sup>5</sup> Documents, I. No. 6, F<sup>2</sup>; 1654.

an account rendered to the Propaganda, the Provincial, Edward Courtney, mentioned the death of all the earlier missionaries, as due either to "the unhealthiness of the climate, or the cruelty of the heretics."<sup>6</sup> This latter agency, that of heretics, may refer, as we observed before, to Father Hartwell and his companions, to Copley or to Starkey.

Precisely of the same age as Starkey at the time of his decease, Father Thomas Payton, fifty-one years old, was sent to the assistance of Darby in January, 1658. He had been an army chaplain, an English missionary for fourteen years, a Jesuit for twenty-eight years; and he had everything to recommend him in point of health, complete studies, and adaptability to many employments. Payton could have arrived in America only in March, 1658, so that Darby must have been thirteen months all alone. In less than two years Payton died "on the Maryland journey," or "a journey in Maryland."<sup>7</sup> And Darby was left with Ralph Crouch, who had been formerly a colonist, and was now a second time in the Order, as a novice lay brother.

This concession of a novice may have been a compromise for another arrangement contemplated. The Provincial, Richard Barton, had asked permission to send a young Father, whose formation in the Society was not yet complete; that is to say, one who had not devoted a third year to the final probation, due after all studies were finished, and before the last vows were taken. The General objected to giving a dispensation from that third year, or final probation, which resumed and finished, at the end of a Jesuit's course, the two years of original novitiate, passed through a long time before. Least of all, said the General, did he favour such a dispensation for those deputed "to the Indies, to missions." Still, in view of the present necessity, he granted a dispensation for one, who should, however, make the usual month of spiritual exercises, or retreat, before embarking.<sup>8</sup> No such priest appears to have been sent at that moment. As to the novice brother in Maryland, Ralph Crouch was a man of much natural ability as well as experience; he had enjoyed the advantage of an early education in polite studies; but he was not considered so safe in matters of judgment and discretion. His name was used in the conveyances

<sup>6</sup> *Infra*, p. 70.

<sup>7</sup> *Anglia*, Catal. 8, 1660: "*In itinere Marilandico*," January 12, 1660.

<sup>8</sup> *Anglia*, *Epist. Gen.*, July 28, 1657.

of Maryland Jesuit property.<sup>9</sup> After some two years he was back in London, serving as the Provincial's attendant.

§ 92. Lord Baltimore was now reinstated as proprietary in Maryland. Darby and Payton had returned thither. The former was, no doubt, a most zealous man; but his social habits seem to have been unpleasantly spiced with soldiers' ways, or a taste of the camp life which he had led as a chaplain. At a general muster, August 24, 1658, he probably showed his best talents by some effective sermons. In private, he was considered to be dragooning Mr. Thomas Gerrard of the Council, for not bringing his wife and children to church. These reasons and others like them moved his lordship's provincial attorney to prosecute Darby on four charges <sup>Indictment of Father Darby, 1658.</sup> (October 5, 1658). The chief mover in the case was a councillor, Mr. Henry Coursey, whom Cecil Lord Baltimore described as "a person of good repute and credit," but whom Charles, Lord Baltimore's son, described with less satisfaction, at least some thirteen years later.<sup>1</sup>

Darby proved himself a match for the local tattlers. In answer to depositions with regard to his "practising of treason and sedition, and giving out rebellious and mutinous speeches," endeavouring "to raise distraction and disturbances in this his Lordship's said Province," and acting "contrary to a known Act of Assembly in this Province," he replied ably that the fundamental liberty of "Holy Church within this Province," and the Act concerning Religion, did not allow of his being molested in respect of religion, or the free exercise thereof. "And undoubtedly preaching and teaching is the free exercise of every Churchman's religion." The court, consisting of Governor Fendall, Secretary Philip Calvert, Councillor Baker Brooke, and three others, decided that the charges of mutiny and sedition had not been proved.<sup>2</sup> Darby's plea here on the ground of acceptance was good; that, the priesthood being accepted or at least tolerated in Maryland, the functions of the priesthood were not illegal. Law had nothing to say against them or to them. But, plain as the plea was, and sometimes successful,<sup>3</sup> it was a piece of logic which prejudice could seldom stand or understand in practice or in statutes, in the civil life of the colonies then or in the national life of many countries since.

<sup>9</sup> Documents, I. No. 35.

<sup>1</sup> Calvert Papers, i. 283.

<sup>2</sup> Neill, *Founders*, pp. 182-185.

<sup>3</sup> Cf. Documents, I. 43, case of Father R. Brooke, S.J., 1729.



This attempt to silence a Catholic priest was made in 1658, less than ten years after the Act of Religion had been passed. Two years later, the Restoration of Charles II. having taken place, the Puritan party in England, which had upset the Constitution and beheaded the king, sank very low. The Catholics had nothing to do with that, nor with the prosecution of regicides; nor did they derive any advantage from the statutory provisions now passed, which, as we have noted, left their clergy under the old penal laws of Elizabeth. Still, the good Puritans of Maryland, hearing of the lamentable persecution which their brethren in England suffered for justice' sake, and considering "that many have lately been beheaded in England, and [*others*] imprisoned, that more than one thousand reformed ministers were imprisoned," did conclude, as they said, "that they therefore will not protect a Papist, or recommend him to the community." This was the language addressed to a Dutch official at New Amstel, by Captain Wheeler and Ulrick Anthony, who apparently were deputed by the indignant Puritans of Maryland to sound the New Netherland Government, relative to a plot of theirs. They purposed to clear the country of Papists, and to cut off the avenue of retreat into New Netherland. The account is obscure; and it is possible that the delegates were speaking of the Jesuits alone.

Augustine Herman was the Dutch official addressed; and he reported the interview to William Beekman. This latter was a vice-  
A Puritan  
intrigue, 1661.
 director and commissary, appointed by Governor Stuyvesant of New Netherland (New York) to administer the affairs on South River (Delaware). The question of the two Maryland deputies touched international relations; for New Netherland was a colony not as yet English. The delegates asked, "if any resident in Maryland came thither, whether we would give him up if demanded, or if it was presumptive that we would defend them"? If they did not mean the Jesuits alone, the purport of their question seems to have been that they intended not merely to rid the Maryland province of Catholics, but to hunt them out of the American continent. Herman replied diplomatically. Showing his respect for the integrity of his interlocutor's conscience, who had "said that in this case his conscience would not permit it," the Dutch official answered, "that our conscience would not tolerate such a sect." The deputy, Captain Wheeler, also said, "that the advocates of the governor cause great confusion, and a war may be the final result." In other words, another Battle of Providence was in

sight. Reporting all this to the Dutch commissary, Herman gave the further information: "There is actually a violent animosity against the Papists, while they will not bear a Papist governor."<sup>4</sup> The grievance about a Papist governor was, that the late Governor Josias Fendall, who had been appointed in the time of the Parliamentary troubles, and had just made a revolutionary attempt to deprive Lord Baltimore anew of his authority, was now succeeded by Philip Calvert, brother of the proprietary, and a Catholic. Such an effective suppression of revolution was an irritation; and the Papists were to pay for it.

To illustrate the psychology of the situation, we shall add another case of the same time. It is one from the Anglican side, and quite of a piece with the Puritan case just given. But, in its political tendency, it made assumptions precisely contra-<sup>An Anglican offset, 1662.</sup> dictory. While the Independents were indignant with the Catholics in Maryland, because the Anglican Stuart king was prosecuting the regicides and other Puritans in England, an Anglican clergyman, chaplain to the Earl of Winchelsea, denounced Lord Baltimore and the Catholic party in Maryland as somehow implicated in Cromwell's exploits, and those of the very same regicides in England. The Rev. Benjamin Denham wrote from "my Lord Ambassador's house," at Pera, Constantinople, charging the Marquis of Dorchester with Jesuitism and Popery, with betraying Privy Council secrets concerning Roman Catholics to "Lord Brudnall and Lord Baltamor, who is Governor or (it may be said) Lord Paramount of Maryland in the West Indies." The chaplain of the latter, John Lewger, an English renegade, and now a Popish priest, "a very great stickler for to make proselytes to the Church of Rome . . . was made one of the judges, and as it were vice-gerent to my Lord Baltamor in Mary Land. Therefore no marvel if some things succeeded not so well in the time of that blessed martyr, Charles I., when the hypocrisy of such recusants perchance lay undiscovered."<sup>5</sup>

We may pause for a moment to note the character of the age, and how perfectly characteristic were the incidents just mentioned. Two opposite parties brought charges mutually contra-<sup>Contradictories at one.</sup> dictory in their tendency, but quite conformable in being levelled at the Papists. It is commonly supposed that in those times there was a war of religions, and that religious sentiment was stimulating persecution. Some religious sentiment, no doubt, there

<sup>4</sup> *Researches*, ix, 147, 148; Aug. Herman, February 5, 1661, to W. Beekman.

<sup>5</sup> P. R. O., *Domestic, Car. II.*, xlix. § 97; January 27, 1662.

was in quiet corners, among small sections of serious people; but these were probably the people inclined to leave one another alone. In the general world there was sentiment, but little religion about it. There was a religion before it: *Deus vos impleat odio Papae*, "The Lord fill you with hatred for the Pope."<sup>6</sup> The name, forms, clothes, and a cant of religion hung about this sentiment; but, when it included no moral principle, no respect for oaths, none for other people's property, none for common human fellowship, it was a sentiment which disguised anything except religion. A man might have an opinion about other folks' religion, he might fight and batter other people, but he was not fighting for a religion. He was fighting against one, and especially against the Catholic Church. This was the question of those times—what to think of religion, and of those who had it? And this question, being answered pragmatically always in one way, fixed the views and policy in many ways. Labels were affixed to Popery; it was hung all round with every object which could solicit a passion, especially that for money; and people innocent of all religious sentiment were attracted. The guy of Catholicity or of the Pope became, by the magic of celebration, as truthful a representation as the Guy Fawkes of the 5th of November, which always ended in a bonfire.

§ 93. Darby was recalled to England (1662). Henry Pelham had arrived in 1661, to take the place left vacant through Father Payton's death. He was a young man of only twenty-six years of age when he came, and had been ordained priest in the previous April. He now had charge of the mission. Within a couple of years there were two more missionaries on the ground, Fathers Edward Tidder and John Villiers or Fitzwilliam, with Brother Gregory Turberville, lay assistant.

As to Darby, it would appear that he had roused not only the Protestant element against him, but not improbably his own people also. He was too free of speech. About twenty years later, his antecedents were sketched by Father Warner, lately Provincial, and at the time Rector of St. Omer's College. He wrote to the General

\* This sentiment of the German Reformers was the same as that which a medieval play had put in the mouth of a Babylonian Sultan, against Christ and His Vicar:

"*Het Jhesus von Nasaret  
Nist mehr Uebels getan  
Als das er solchen Man [the Pope]  
Sein Geschaefit empfohlen hat  
Es war ein grosser Mithat.*"

complaining that Father Francis Fitzherbert (Darby) had been appointed confessor in the house—a man, he went on to say, “who had been sent out of the Maryland mission and the English mission, because he offended everybody with whom he dealt.”<sup>1</sup>

It is to the credit of Father Darby's zeal, and perhaps also of Father Copley's, that New Sweden on the Delaware was comprised within the sphere of missionary activity. Bishop Laval, Vicar Apostolic of Quebec, sent a long report to the Propaganda at this time, describing the state of the missions among the Upper Algonquin tribes, that is, on the St. Lawrence towards the south. He comprised in his account New Belgium (New Netherland, New York), and New Sweden (South River, Delaware). He noted two missions in the New York territory.<sup>2</sup> Then he proceeded to New Sweden, “near Maryland, which adjoins Virginia. This is an old mission re-established<sup>3</sup> among a great people, which uses the Algonquin tongue. It has been visited by many Europeans, and is said to be tended by the Fathers of the Society of Jesus, who work among the English Catholics living in Maryland.”<sup>4</sup>

Missionary  
range:  
Virginia and  
New Sweden.

This account agrees with that of the annual letter quoted before, when the headquarters of Darby and Sankey were a hole in Virginia. Alone in a skiff, one or other would row to and from “distant parts,” no pilot but Divine Providence directing their course.<sup>5</sup> Besides, it may be inferred with some probability that the Puritan deputies from Maryland, when they repaired to New Sweden on the Delaware, and negotiated in advance with the Dutch officials, Augustine Herman and Resolved Waldron, for the surrender of Maryland refugees, were preparing for the destruction, root and branch, not of the Catholics at large, but of this obnoxious growth, the Jesuit missionaries. The answer of Herman had referred to “a sect”: “our conscience,” said he, “would not tolerate such a sect.” It is true, there were only two Jesuit missionaries in all at the time,<sup>6</sup> or rather one, for Payton had died, and Pelham had not yet arrived to support Darby. But two Jesuits, or even one, was an army corps, as the Puritans at that time may have thought, and as the Episcopalian clergy of the next century certainly did.

<sup>1</sup> Cambridge, Warner's *Note-Book*; August 21, 1684.

<sup>2</sup> See *infra*, p. 140.

<sup>3</sup> “*Novo-antiqua*.”

<sup>4</sup> Prop., *America* 8, *Canada*, 256, f. 40; October 26, 1668.

<sup>5</sup> *Supra*, p. 59.

<sup>6</sup> February, 1661.

§ 94. On withdrawing Darby, the Provincial, Edward Courtney, proposed to dissolve the Maryland mission. This was the third time that the question came up for consideration; and it was yet to be mooted in subsequent years. The reasons we may readily infer from circumstances on both sides of the Atlantic.

Though there were as many as one hundred and forty Fathers in England, this number was scant, as well because the men were for the most part scattered about in private houses without concentration, as because golden opportunities seemed now to be in prospect for building up the Church in England after the recent wreckage. In fact, a college was opened in the Savoy, London, before the reign of the Stuarts ended. In Maryland, on the other hand, there had been a complete failure of the original plan. Indian missions scarcely existed any longer within the limits of that colony.<sup>1</sup> There had been realized only about one-fourth of the value given for the religious foundation contemplated.<sup>2</sup> The Provincial observed to the Propaganda that it had cost him 400 scudi to defray the expenses of Father Pelham alone when sent to Maryland.<sup>3</sup> What with travelling expenses, and the prospective necessity of buying over again a landed foundation, and perhaps not succeeding in the face of Lord Baltimore's "special licence" which barred the way, the prospect was anything but inviting. The benevolence of Charles Calvert already affected the policy of the older lord; but it had not yet been experienced in any notable degree. Nor does it appear that even he ever thought of assigning a glebe or an acre of ground for divine worship, in any of the districts where Jesuits, secular clergymen, or Franciscan missionaries laboured, though all had been invited over in the Baltimore interest.

Missionaries could live without a foundation. Having what to eat and wherewith to be clothed, demands which Christian charity could easily have supplied, they might well be content.<sup>4</sup> But taking no remuneration for their services, demanding and accepting no salaries, if with all this they had no funds or foundation for

<sup>1</sup> Cf. *Amer. Hist. Review*, xii. 384, "Narrative of a Voyage to Maryland," 1705: "There are butt a few of 'em [*Indians*] left now to what formerly they were, for they are gon more norward amongst the Cannady Indians."—About 1760, there were in the more populous parts of Maryland only 120 Indians (Brackett, p. 19, note).

<sup>2</sup> Documents, I. No. 24.

<sup>3</sup> This in our money would be £80 sterling; but, in the value of money then, four or five times as much. How so much should have been spent in this case, some four times the cost of the voyage, may perhaps be explained by the charges of sending over with Pelham various supplies for the mission.

<sup>4</sup> Cf. Documents, I. No. 8, H<sup>2</sup>.

general purposes, it is clear that divine worship would be unprovided for, and any prospective work of concentrated efficiency, by educational or other houses, could not receive its initial impulse. Education was intended by the Order to be gratuitous. But, if poverty for men who vowed poverty was no hardship, poverty for education, which always lives high, would be starving it.<sup>5</sup> "We fear not poverty," wrote the General, Father Oliva, to a Rector in England, "but only that poverty which would hinder us from doing what God wishes us to do. That which hinders not, but helps, is our mother."<sup>6</sup> So Cardinal Allen had written in times gone by to Father Parsons: "Apostolical men should not only despise money, but have it"; and he sent therewith his own liberal quota.

In Europe, princes, bishops, municipalities, or private benefactors pressed their foundations on the Order, petitioning for the establishment of colleges; and great were the embarrassments caused in trying to evade offers without giving offence; for the petitions were more numerous than the men available to meet them. The English ideal or projected colleges of education, in one of which the Maryland mission was incorporated, did not, as a rule, exhibit very ample provisions in their financial establishment. Nor was it necessary, since as yet they supported only missionaries. Thus when, about the present time, the residence of St. Dominic in Lincolnshire was raised to the grade of a college, because it had acquired a sufficient annual income, we find that the financial establishment came to a yearly provision of £20 per head of the missionaries stationed there.<sup>7</sup>

Contrast with  
European  
conditions.

<sup>5</sup> Cf. *History*, I. 582, 588; Campano, S.J., to the King of Poland.—Hughes, *Loyola*, p. 57, *seq.*

<sup>6</sup> *Anglia, Epist. Gen.*, December 8, 1668, to Fr. C. Baker. He is alluding to a principle of the Jesuit Constitution (*Summ. Const.* § 24): "Let all love poverty as a mother."

<sup>7</sup> *Ibid.*, November 19, 1672, the General to the Provincial, G. Gray, on the information received, that "partly by donation, partly by good economy, as much as 12,000 scudi [£2400 sterling] was available." In the same year six missionaries were registered for this missionary centre (Foley, *Collectanea*, p. xci.). The Marquis de Cephalini (as the name stands in Latin) provided a financial basis for the Suffolk residence which was thereupon made the College of the Holy Apostles. The foundation consisted of a capital, 16,000 scudi (£3200), and yearly income of 1000 scudi (£200); both of these sources yielding probably less than £21 per head annually for the seventeen missionaries immediately placed in Suffolk. Only half a dozen had been there before (*Angl. Historia*, iv. p. 445; the General's acceptance, September 1, 1638.—Foley, *loc. cit.*, p. lxxiii.). The Marquis of Worcester had been a founder (*Anglia, Epist. Gen.*, February 9, 1647, the General to Silesdon on the decease of the Marquis). Speaking to the English Provincial, but not distinctly about that Province, a General observed of the Jesuit members themselves: "It often happens that some one of Ours has given such an amount of money as was sufficient for the foundation of a college, or even more" (*Ibid.*, April 16, 1678, General to Harcourt). At the very same time he was honouring Father Saville with the spiritual privileges due to a benefactor (*Ibid.*, October 3, 1677, July, 1709, and *passim*). No doubt, there were

The English Provincial, Father Edward Courtney, proposed, in 1662, to throw off the burden of the Maryland mission. But the

other resources: the renunciations, as they were called, by which members, in accordance with their vow of poverty, resigned their property, and oftentimes gave a part of it, or the whole, to the Society (of Documents, I. No. 50); the life pensions from their families; and incidental donations, for which, in the midst of the direst fiscal persecution, the Catholic families of England were remarkable.

One case of a life pension illustrates a principle. A lay brother, Richard Newport, stationed in the English college, a secular priests' seminary, at Seville, wished to endow that house with his annual allowance of 800 *regalia* received from England. The General objected that the third canon of the third General Congregation had prohibited the transferring of funds from one Jesuit Province to another (in this case, from England to Spain). But then he added a postscript with a new consideration, that the said "seminary [of English secular clergy] did not belong to the Society, and therefore did not seem to fall under the prohibition of the said canon; by which it is not forbidden that Ours apply their property to pious objects outside of the Province in which they are, but only that they do not assign it to other houses of the Society outside of the same Province." And so it was arranged, the brother's pension being allotted for the future to the seminary (*Anglia, Epist. Gen.*, May 28, September 8, 1683, General to Blount, Provincial).

At the very same moment, a principle of much wider application was acted upon, in the case of Father Edward Courtney (Leedes). His sisters and father, Sir Thomas Leedes, K.B., Lord Lieutenant of Sussex, had seen their family fortune wrecked. The young Father, before taking his vows of profession, and making the final resignation, not only of the use, but also of his rights to property, considered the equity of providing with his patrimony for the suffering family. The General signified his full approval, adding, "And I hope that this charity of your Reverence towards your family will be no less agreeable to the Divine Majesty than if you had offered the richest patrimony to our Society" (*Ibid.*, October 29, 1683, General to E. Courtney at Liège). Again, the scholastic, Henry Widdrington, of Lord Widdrington's family, was authorized to cede one-half of his annual pension, £100, in favour of his younger brothers; a grant which the General considered altogether equitable in their distress, "*aequum omnino*," though the family had only asked for a loan (*Ibid.*, May 29, 1694, General to Mumford, Provincial). Other such adjustments occur.

The extant records show a large fund of beneficence arising from the assignment of individual Jesuits' property to the Order. But the samples noted in another place, with regard to Maryland, may suffice (Documents, I. Nos. 50, 51, 65, 67, 69). One of the persons mentioned there, George Thorold, who would seem to have been among the richest (cf. *ibid.*, No. 51), had been put off by the General, when in 1691 George was applying for admission to the novitiate (*Ibid.*, No. 6, Z<sup>8</sup>; February 17, 1691). The Province was suffering financially, and could not support novices, in consequence of the Orange Revolution. But George was received before the letter of refusal arrived. About the same time, however, we find a concession from the General that, in the novitiate and during their studies, novices and scholastics might be maintained by their parents (*Anglia, Epist. Gen.*, July 29, 1690, to F. Sanders, Provincial's secretary; December 6, 1692, to J. Clare, Provincial). But the Provincial and Master of Novices were separately and strictly enjoined not to admit any aspirant who was not excellently qualified: "*qui ingenio non polleret, ne secus Religio [S.J.] detrimentum subeat, et incommoda*" (*Ibid.*, December 6, 1692.—Cf. same to same, March 22, 1692). This explains what we find noted later, about Mr. N. L. Sewall in Maryland maintaining his two Jesuit sons (*infra*, p. 522, note 13).

The concession of allowing that novices might be maintained by their parents during the novitiate had been distinctly refused by the General, and some such practice had been rigorously prohibited, less than ten years before, when the Province was suffering from the consequences of the Titus Oates Plot and its depredations. The novices were to bring only themselves, and nothing else: "*Neque enim aliud praeter se afferant velim*" (*Ibid.*, July 22, 1684, to Keynes, Provincial; to J. Warner, Rector of St. Omer's). Similarly, in the ministries of subsequent life, Jesuit chaplains were strictly inhibited from "exacting" any yearly allowance, "*annuum stipendium*," for their services (*Ibid.*, September 7, 1686, to Keynes).

As to the pressing petitions in Europe for collegiate establishments of the Order, the foundations being provided by the petitioners, the General Aquaviva had to

General, not considering the proposal on its merits, took exception to its form. It did not come from the Provincial sitting in council with his official advisers. Father Oliva reminded him that such had to be the mode of procedure, "when the deliberation is one of considerable consequence." The opinion of the council was adverse to the continuance of the mission, "unless some other ways and means were provided." Hereupon, the General left the final decision to the discretion of the Provincial and his advisers. The despatch, however, about the same time, of Father John Fitzwilliam (Villiers) to Maryland may have shown an inclination to make one more attempt.<sup>8</sup>

§ 95. At this date, Courtney sent to the Propaganda two reports of the English mission. Besides telling in a few words of what he had done for America, his account is very instructive on the standard of Catholic life at the time. As the pressure for conscience' sake was much the same on both sides of the ocean, and the Jesuit missionaries, of whom alone the Provincial spoke, were certainly of the same policy and calibre in England and America, we consider that here we have a fair delineation of the general features distinguishing Catholic life. The spiritual and consistent tone of Maryland Catholic reading in the next century, as shown by the circulating library reports,<sup>1</sup> is quite in keeping with the religious formation which Courtney here describes. As to the lives and characters of the Jesuit missionaries, delineated at this time by Courtney, an account given to the Propaganda, more than a century later (1773), by Father Mattingly in Rome, and derived only from the recollections of his boyhood in Maryland,<sup>2</sup> will be seen to agree with the tenor of the following description.

The Provincial's report to the Propaganda, 1662.

The Provincial recounts that he has just despatched to Maryland "another priest [*Pelham*, alias *Warren*], seeing that there was only one there [*Darby*], deprived of all consolation, and oppressed by poverty; but that, if God do not provide, he is uncertain whether he shall not have to recall both the one and the other, since he cannot maintain them; for he has spent more than 400 scudi in sending this last one; and that mission has cost them enough already, in the

decline as many as sixty colleges in the first five years of his generalship, 1581-1586 (Schmitt, col. 140).

<sup>8</sup> Documents, I. Nos. 6, R<sup>2</sup>, S<sup>2</sup>, T<sup>2</sup>; April to September, 1662.—*Anglia, Epist. Gen.*, November 25, 1662.

<sup>1</sup> *Infra*, pp. 515, 517, note 7.

<sup>2</sup> *Infra*, pp. 554-556.



loss there by death of men who were of signal virtue." Courtney adds in the second report the particulars already given, explaining the consumption of Jesuit life in America by reason of the climate, the cruelty of heretics, and overwork;<sup>8</sup> and he subjoins: "However, this new vineyard does not remain entirely deserted, for there are two missionaries there, to whom a third [*Villiers*, alias *Fitzwilliam*] will soon be added."

As to the tenor of Catholic life, he explains how it is that, in England, "more than a hundred missionaries, all professed of the fourth vow," are so hampered in their work. Only one populous centre, London, contains many Catholics. For the rest, "the greater part [*of the Catholics*] stay in their country villas, or on their estates, to be more secure in the exercise of their religion the farther they are from the eyes of the magistrates. On this account the greater part of them [*the Jesuits*] live outside of the city in the houses of nobles [*gentry*], either as being their relatives, or as tutors of their children, or, if the family is altogether Catholic, as their chaplains, wearing secular clothes, however, of a simple style. This is to guard against being discovered by guests and friends who visit; and, where the Catholics are mixed with heretics [*in the same family*], the missionaries always remain secluded in the most secret apartment of the house, without letting themselves be seen by any except Catholics. In presence of these they celebrate Mass every morning, and in the afternoon they meet for vespers, and read the Martyrology of that day in English. After supper they recite the Litanies; and in some places, along with the examination of conscience, they give the points for the meditation of the following day. On Sundays and feasts, the Gospel is explained, and persons outside are called to the sermon. Christian doctrine [*the catechism*] is taught; and those who are new [*converts*] are instructed for Holy Communion. And all those servants and members of the family, in the houses where the missionaries dwell, maintain such reserve with regard to the priests, and conduct themselves with such piety, that they are rather engaged in the practice of Christian virtues than a source of embarrassment or distraction to the missionaries. However, all cannot live in the houses of the gentry." Then the report explains what is done by other missionaries who are moving about among the poor, distributing alms, and gathering the fruit of conversions from heresy. Out of the ten Jesuit districts,

Church life in private families.

General work and results.

<sup>8</sup> *Supra*, p. 11.

reports have been received for the past year from five, viz. reconciled to the Church from heresy, 437; baptized, 138; brought back to the practice of a Christian life, 3 bad Christians; cases of discord adjusted, 13.<sup>4</sup>

The question, which still pended, of dissolving the Maryland mission seems to have been decided finally in the affirmative by Father Courtney's council, that the colony should be abandoned; for, in the very next year (1663), though the missionaries were only three, we find the General arranging to place the superior, Father Henry Warren, as English penitentiary in Loretto. However, this Father did not return to England at that time. The proposal to break up the mission was again advanced by the next Provincial, Father John Clarke (1667), with reasons which the General pronounced to be "grave and worthy of consideration," and therefore to be discussed in the next Provincial Congregation then impending. Thenceforward we see nothing more about the question.<sup>5</sup> The solution seems to have been that of obtaining continual dispensations for young Fathers from the third year of probation.<sup>6</sup>

Dissolution of the mission debated, 1663, 1667.

Here again we have seen that considerable attention was paid to the American enterprise by the chief authorities in the Society. And, since we noted for sixty-three years earlier (1616) the

<sup>4</sup> Prop., *Acta*, May 22, 1662, ff. 68<sup>v</sup>, 70; November 27, 1662, ff. 291<sup>v</sup>, 292<sup>r</sup>.—It is to be noted that this is not Courtney's text, but the Cardinal reporter's summary of the Provincial's letter, sent to "your Eminences in obedience to the order communicated by [*Oliva*] the Father Vicar of the Society." Almost at the same date, a similar abstract of the account sent by the Provincial of Paris contains the item, "that a Jesuit of that Province, having gone to England with the Ambassador of France, had converted there more than one hundred heretics, strengthened many who were wavering in the faith, and brought back to the religious life five apostates. Among those converted by the said Father, the most distinguished case is that of the Duchess of Richmond, a lady of great parts and noble lineage, who, in presence of the English King himself and of all his court, said that she was a Catholic, and that she acknowledged her debt of gratitude for this grace to God, and next to the French Jesuit" (*Ibid.*, February 28, 1662, f. 24). The sending of such letters to the Propaganda had been a condition imposed on the General of the Society in an adjustment of their mutual relations, 1646. See *infra*, § 99. On the fulfilment of this condition, compare *History*, I. 51–58; *Documents*, I. No. 6, 8<sup>2</sup>.

In answer to the first of Courtney's reports, the Propaganda ordered the rescript: "Let the two priests of the American mission under English rule be provided with necessities; in the other matters answer with praise, and write to the [*Belgian*] Internuncio for information." For the second report the rescript was that of praise: *Rescriptum: Laudandus*. But the offer of the Propaganda to subsidize the missionaries in Maryland was met with a qualification by the Vicar General Oliva, who signified to the English Provincial that, if a subsidy were given to the mission at large, it could be received with thanks. Otherwise, if it were allotted to particular missionaries, it might entail a dependence of them on the Propaganda as missionaries apostolic. This, he observed, was *præter nostrum institutum*, "not according to our [*Jesuit*] Institute" (*Documents*, I. No. 6, U<sup>2</sup>; November 11, 1662).

<sup>5</sup> *Documents*, I. No. 6, V<sup>2</sup>, W<sup>2</sup>; January 27, 1668; February 5, 1667.

<sup>6</sup> Cf. *infra*, pp. 129–181.

contrast in Vitelleschi's time between the modest proportions of the Maryland mission or residence, and those of the General's charge over the world,<sup>7</sup> we do the same now, for the last years of Oliva's government, about 140 years after the foundation of the Order.

A glance at  
the whole  
Society, 1679.

In 1679, when the entire American residence consisted of four Fathers with two lay brothers, the General was superintending 106 missions and 160 residences; 35 Provinces and 3 Vice-Provinces; 23 professed houses; 48 novitiates; 578 colleges and 38 seminaries; 17,650 members, of whom 7870 were priests, the rest being scholastics, not yet priests, either engaged in their studies, or professing branches in the colleges and schools; with a goodly number besides of temporal coadjutors or lay brothers.<sup>8</sup>

§ 96. A very old record makes the entry about Father Pelham's coming: "P. Henry Warring [*Warren*] with Governor Ch. Calvert."<sup>1</sup> The Baltimore heir, Charles Calvert, was appointed by his father (September 14, 1661) to succeed his uncle, Philip Calvert, who had governed the province for more than a year. From the incomplete records of St. Omer's we cannot discover whether Charles had been a student there. But, as we see that the younger brothers of his father had been St. Omer's boys, and Charles' own grandsons were so likewise,<sup>2</sup> we infer that the traditions of the Baltimore family, from the time of the first lord's conversion, were in keeping with those of the English families generally, and that Calvert boys resorted to St. Omer's. In all Charles Calvert's dealings with the clergy we observe the Catholic ease of respectful familiarity, which seems to have been totally wanting in the Oxford-bred manners and uncatholic mould of the older lord, Cecil.<sup>3</sup>

<sup>7</sup> *Supra*, p. 20.

<sup>8</sup> Rosa, p. 288. This number of members, 17,650, for the 140th year after the first foundation of the Order, is not much higher than that now recorded for the opening of the first centennial year, 1914, after the restoration of the Society (1814): 18,894 members in 27 Provinces; 8689 of the total being in missionary countries, attached to respective Provinces. The total number of Fathers is almost  $\frac{1}{2}$ ; of Scholastics, not yet Fathers, more than  $\frac{1}{2}$ ; of lay coadjutors, or Brothers, less than  $\frac{1}{2}$ .—For the year 1663, Schmitt (column 204) gives the distribution of 1000 stable missionaries in Europe, America and Asia.

<sup>1</sup> Md. Prov. Arch., L. 1.

<sup>2</sup> History, I. 206; II., *infra*, p. 476. Even where we have names in the records of St. Omer's, they are not a sure means of identification. The children of Catholics, at a place so constantly spied into as this college was, did what we find so regularly in the case of Jesuits; they went under another name; preferably, we believe, the mother's. Thus candidates for the Order seem to have entered with two names, one assumed but habitual, the other legal and naturally entering into the formal registers of the Order. Hence arose confusion, to the distress of the General, when the familiar or assumed name might appear in correspondence, and his lists happen to contain no record of the *alias*.

<sup>3</sup> Cf. History, I. 350.

Father Henry Warren or Pelham was only twenty-six years of age when sent out to the Maryland mission in 1661. A few years later, the accounts characterized him as a man of good talents, judgment, and prudence to match, of distinguished acquirements in studies, of a temperament evenly balanced, and experience growing with the management of affairs. He was available for any duty; particularly for governing and for the missionary life. But his health was not equal to his capacities. Father Warren so far reconstructed the Jesuit temporalities in Maryland as to obtain from Charles Calvert two grants in his own name of the properties at St. Inigoes and St. Thomas's, heretofore held under confidential trusts by Messrs. Fenwick and Matthews. There was no allusion, however, to the remaining 21,000 acres still due from Lord Baltimore. He also bought Britton's Neck and Outlet at Newtown for 40,000 lbs. of tobacco.<sup>4</sup>

Warren,  
Tidder,  
Fitzwilliam.

Edward Tidder or Ingleby, who was sent out at the age of thirty-three, had a good record of natural parts, though not quite equal to Warren's; his turn was said to be for the missionary life, and his experience so far was only a slight factor. Here we have a sample of how time revealed the man. Tidder developed a high order of efficiency in the management of temporal affairs. It devolved upon him and Father Edward Petre to reconstruct the temporalities of the English Province, when they had been shattered by the Titus Oates Plot, and when missionaries could not even be maintained as chaplains in the houses of patrons. Tidder was then superior in London. Yet, when acting at the time of the Orange Revolution as Vice-Provincial on the English side of the Channel, he caused the greatest dissatisfaction by mismanagement in the general wreck of Jesuit affairs. Among other particulars, he let the archives of the Province be surprised and seized by the magistrates.<sup>5</sup>

John Villiers or Fitzwilliam was twenty-eight years of age when he entered on the American mission. There was nothing to note about his qualifications, except the general commendation of good talents and good studies, with a turn for either missionary or speculative pursuits. On leaving London, he overlooked a duty of courtesy to Lord Baltimore, by taking ship without calling on his lordship. The latter resented this. Charles Calvert wrote back

<sup>4</sup> For Warren's diligence and enterprise, see *Documents*, I. Nos. 24-26, 82, 85.—For the value of tobacco at a later period (1745), 1000 lbs. of tobacco being worth from £5 to £7 sterling, cf. *infra*, p. 511, note 5. At that later date, therefore, 63 to 10 lbs. of tobacco would represent one shilling; 100 to 140 lbs. of tobacco, £1 sterling.

<sup>5</sup> Cf. *History*, I. 67.

from Maryland, saying, "I acquainted Mr. Fitzwilliams of his abrupt parting att London, without takeing leave of your Lordshipp, which he does acknowledge and asks your Lordshipps pardon for't. He will, I suppose, write as much by this ship." <sup>6</sup> Evidently, times had passed over Cecil Lord Baltimore, since the date when he had claimed to stop missionaries in London as a kind of contraband, and to inspect them individually before passing them.<sup>7</sup> Another circumstance, entirely new, is that Charles Calvert informed Cecil of his intention to "pay unto Mr. Fitzwilliams, whoe is come in Mr. Fitzherberts place, 6 barrells of corne, and likewise give him all the encouragement fitting." It is true that, when the Franciscan Fathers, Massey and Carew, arrived nine years later, Charles, with his father's approval, seemed to discriminate in their favour. He subsidized Massey with £20 per annum; whereat both Warren and Forster, the Jesuits, wondered, that, to use Charles's words, "your Lordshipp should extend your favours to others that were not [*were now ?*] come in, more than to them, considering they had been here so long." Charles having moderated their feelings with "dubious words" about his lordship's favour, and his lordship having then confirmed the said dubious words, the two of them, wrote Charles, "seeme to acknowledge your Lordshipps favour and kindnes to them in a very high manner; and, when this payment does comence to them, I shall observe your Lordshipps comands and stop the corne."<sup>8</sup> In fact, Lord Baltimore at this time, without losing his hold on economy, seems to have taken some interest in Jesuit affairs. Charles conveyed the assurance, that he had "acquainted Mr. Warren and Mr. Foster of Mr. Symons [*the Provincial's*] death and Mr. Grayes succeedinge him, and that they may hope for a supply of theirs."<sup>9</sup>

In the mean time, returning to Fitzwilliam, we observe that he died two years after his arrival (October, 1663); and his place was taken by Peter Manners or Pelcon (1665). A convert to Manners. the Catholic faith, Manners had been a student of humanities at Amsterdam, when he was still, we presume, a Protestant; then he studied at the English College, Rome, whence he passed to England and entered the Society at Watten (1656).<sup>10</sup> He was now thirty-four

<sup>6</sup> *Calvert Papers*, i. 249; August 14, 1663.

<sup>7</sup> *History*, I. 498, 526.

<sup>8</sup> *Calvert Papers*, i. 247; August 14, 1663; 278, April 24, 1672; 280, 297, 298, June 2, 1678.

<sup>9</sup> *Ibid.*, 257; April 24, 1672.

<sup>10</sup> In the case of converts who had been Protestant ministers, or preachers, we find the General, in 1694, withdrawing from the English Provincial all power to receive them or their sons. A "particular and express faculty" for each case should have to be obtained from himself. He acts so, in conformity with the experience of

years of age. His parts were good, his practical qualifications better; his sacred studies had been compendiously made; and he was noted as particularly fitted for missions. This estimate was fully corroborated by the practical results. "A great controvertist and preacher," as an old record has it, Manners was full of the apostolic spirit, and adorned with a largeness of mind in the ministry,—a man "who had great things in contemplation." He had bound himself by a special vow to consecrate all his life and labours to the American mission, as far as approved for the work by his superiors. Another vow which he added was to love no created thing except in God and for God. He laid the foundation of more than a hundred conversions, which other Fathers carried to completion. Already acclimated, he was up and to horse at any time; and, answering a distant call of duty, he plunged into a mill stream called My Lord's Runn, which, being unusually swollen by the rains, carried him and his horse away. He met his death in harness, a martyr of charity, at the age of thirty-eight (April 24, 1669).<sup>11</sup>

From the pen of Father Manners we have extant a relation of Mr. Robert Brooke's death. This gentleman, belonging to a family "of noble lineage" and largely converts, died at the age of twenty-seven. His death is certainly very <sup>The Brooke family.</sup> remarkable for a most elevated piety, if not of ecstatic contemplation. His father, Robert Brooke senior, once a Protestant minister, had been head of the provisional council in Maryland, March to July, 1652, by appointment of the Parliamentary commissioners. Of this elder Robert's fifteen children several were Catholics. Among them, Major Thomas Brooke, half-brother of Robert junior, just mentioned, was the father of three Jesuits, Robert, Ignatius, and Matthew.<sup>12</sup>

The loss of Manners was followed almost immediately by that of Father George Pole, who had recently arrived to take the place of Tidder. Pole, a professed Father, forty-one years of age, and thirteen in the Society, had entered the Order already <sup>Pole.</sup> a priest; and, while working in England, he had offered himself for the service of the plague-stricken in London. Then in the

those who speak from their own observation: "*Experientia constare, ferunt, . . .*" (*Anglia, Epist. Gen.*, April 24, 1694: to Monford, Provincial). Converts in general needed a dispensation from Rome to be qualified for the priesthood, as we see in the case of Father Greaon (*infra*, p. 496).

<sup>11</sup> Md.-N.Y. Prov. Arch., L. 1.—Documents, I. No. 8, W.—Foley, *Records*, lii. 890, 891.

<sup>12</sup> *Woodstock Letters*, xv. 151-158, Peter Pelcon's relation of R. Brooke's death, October 2, 1667.—*Md. Hist. Magazine*, i. 66-73; v. 200; genealogy of the Brooke family.—Cf. Documents, I. No. 42, C.

following year he presented himself as a candidate for the American mission. He was a man fitted for this arduous life, with talents and learning above the ordinary, good judgment, and a practical experience which was developing. Within two years all was over. While ill himself, he ran out to serve the dying, and so made his own illness fatal (October 31, 1669). He died apparently away from home, at the house of Colonel Evans, or of Mr. Carbery.<sup>13</sup>

To compensate for the loss of Manners and Pole two Fathers, Michael Forster and William Pelham, were soon on the ground. Forster, Twenty-three years had passed since this Pelham first W. Pelham. applied for Maryland.<sup>14</sup> Several brothers also had come, Gregory Turberville, Bernard Hamy, and Thomas Shireburne. Of these Father Pelham and Brother Sherborne succumbed almost immediately, probably victims of a climate so insidious; and, in the case of a priest, the more so, as the calls of the ministry respected no man's convenience or convalescence. Father Gray, the Provincial, reported to the General in 1671: "Of those who were sent thither [*to Maryland*] these last years, very few survive, the rest having been carried off by death." Acknowledging, however, that the mission was going on prosperously, he said, it "is yielding no common harvest; and it would produce more if there were more workmen to till it."<sup>15</sup> Two years before Pelham's death he was characterized in a manner somewhat singular. He was a professed Father, aged forty-six; had enjoyed all the advantages of a regular formation; and withal nothing special in any line was put to his credit, either in the way of natural parts or of excellence acquired. It looks as if systematic application and a complete training had just served to redeem and relieve a general mediocrity.

Forster was of a different calibre, very much like Henry Warren *alias* Pelham. At this time, in 1672, being thirty-one years of age, he was registered as excellently gifted with talent. Everything else corresponded, even his practical experience, which was said to be good; his temperament was evenly balanced, and he was fit "for

<sup>13</sup> Documents, I. No. 8, X.—Md. Prov. Arch., L. 1.—This latter old record says, "Mr. Clavering died at Mr. Luke Mathew's. Mr. Waldgrave died at Portobacco." Possibly by Clavering we may understand Forster (cf. Foley, *Records*, v. 647); and by Waldegrave Father W. Pelham, yet to be mentioned (cf. *Ibid.*, vi. No. 742, p. 362). Foley gives Forster the *alias* of Gulick, quoting the Maryland catalogue for 1684 (*Collectanea*, s.v. "Forster, Michael"). This looks like a clerical error. Father N. Gulick was in the mission then. But one catalogue for 1688 shows evident signs of confusion in the insertion of N. Gulick's name, which appears to have been put in afterwards, and out of order, as it follows that of the scholastic Hothersall.

<sup>14</sup> History, I. 468.

<sup>15</sup> Documents, I. No. 8, Z.

everything." Warren was recalled in 1676 to serve the mission at Oxford. Forster had already succeeded as superior, and remained in office some nine years till his death in 1684.

The lay brothers selected for Maryland seem to have been uniform in their qualifications, in as much as they could put their hand to many things. They were generally such as had literary qualifications. This latter equipment was, no doubt, <sup>The lay</sup> ~~brothers.~~ intended for service in the local school. Brother Gregory Turberville had written a beautiful letter over twenty years before, petitioning for the American mission.<sup>16</sup> Since then he had worked in Ireland and in Italy, and, on his return to England from Rome, the General had sent with him a letter of commendation to the Provincial. Now, at the age of forty-five his original desire was fulfilled (1662); and he laboured in Maryland for twenty-two years to come. Of Thomas Shireburne we find no record. Hamy was a man of estimable qualifications, of tried experience and of some culture in humane studies.

§ 97. There was life and zeal in the mission, as long as men lived to put forth zeal. But they seemed to be coming only to die. They received their own crown soon enough; but they left the average of effective service very low. In 1672, <sup>Loss of life in</sup> ~~the Maryland~~ <sup>mission.</sup> the mission had been nearly forty years in existence; there were then four men at their posts, two being priests, and two lay brothers; and yet there had been some twenty-one regular appointments, not to mention the transitory ministries of four who had come and gone. Now, of these twenty-one appointed for ordinary service during thirty-nine years, seventeen had been carried off by death, fourteen Fathers and three Brothers. Among those Fathers, as many as eight had been only forty-one years of age or under when they died, ranging from George Pole, aged forty-one, to Fitzwilliam and Knowles, who were but thirty at the time of their death. We shall see on a subsequent page that the consumption of missionary life was greater in the Iroquois and other Indian missions than in Maryland.<sup>1</sup> But, as the men there were of an age more mature, the consumption of youthful life was greater in Maryland than among the Indians.

The effects of a climate so trying to Europeans, and of work oppressive for so few, might serve to corroborate an estimate that the term of individual service in the Jesuit missions all round the

<sup>16</sup> History, I, 476.

<sup>1</sup> See *infra*, p. 283.



world did not exceed ten years—a span brief indeed, but still capacious of so much, that the greatest apostle of modern times, St. Francis Xavier, condensed his stupendous work within those modest limits. There was another item in the statistics of sacrifice, which thousands of his brethren contributed. It was the hazard, distress, and adventures of travel. As much as a third part of the Jesuit missionaries did not reach the destination for which they set out. It was common for them to be tossed about the world, like Blessed Charles Spinola, who from Italy did arrive finally in Japan, but through incidents of capture and weather, by the roundabout way of England, Brazil, and the Cape of Good Hope. Then, after being three years on the way, he was promptly captured in Japan, and put to a violent death.<sup>2</sup>

<sup>2</sup> These rough estimates of ten years' missionary service, and one-third of the Jesuits being sent adrift by wind, weather, and, what was worse, men, we borrow from memory, without any distinct authority.

It will convey an idea of the Jesuit missionary activity if we sketch the network of regular Provinces organized on the ground of the foreign missions themselves, and becoming, with the help of volunteers from European Provinces, the centres of evangelization for countries around and beyond. We take the epoch between the foundation of the Society, 1540, and the establishment of the Sacred Congregation de Propaganda Fide in 1622—the first eighty-two years of Jesuit work. There being five Assistancies at the time, that is, groups of Provinces represented at the General's side by respective Fathers Assistant, three of them, the Portuguese, Spanish, and French, owing to territorial or political associations, were very expansive in foreign work.

Pertaining to the Assistancy of Portugal were the Provinces or Vice-Provinces of Goa (founded 1549), including the eastern section of Africa; Malabar (1610); Japan (1612); China (1618); Brazil (1553), including Maranhão; missions also in the western section of Africa. To the Assistancy of Spain were attached the Provinces of Peru (1567), including Florida; Mexico (1571), taking in New Spain, Cuba, and Florida; the Philippine Islands (1594); New Granada (1605); Paraguay (1605), including Chili; Quito (1605). The French Assistancy provided the French missions in North and South America; in Greece, Syria, Egypt, Persia; in the Carnatic (Hindustan); and in China. (Of L. Carrez, S.J., *Atlas Geographicus Societatis Jesu*, 1900, pp. 5, 6.) The other two Assistancies of Italy and Germany, the former with five Provinces, and the latter with eight, contributed volunteers, who registered their names with the General as applicants for the far-off missions. Candidates were called *Indipetas*; and the State Archives in Rome now possess a vast collection of their original applications. See *History*, I. 470, note 22.

The northern Provinces, those of the Germanic Empire, Poland, the Netherlands, England, etc., being largely occupied with that missionary work which was due to the prevalence of Protestantism and other adverse forces, had no extensive system of foreign dependencies originating with them; nor had the countries in question any extensive colonial dominions. For samples, however, of English, Welsh, Scotch, and Irish candidates who were "knocking at the door of the Indian mission," compare *History*, I. 466-470. As to the numbers of men in far-off Provinces, we have computed in another place over a thousand priests in South and Central America, along with the Philippines, for a date somewhat later. See *History*, I. 816, 817.

Why so much could be done for native populations, in countries where the Catholic Church had an ascendancy or obtained some foothold, and why so little was done for the Indians within the borders of the English colonies where the Church could scarcely breathe, will suggest to the philosophical and religious mind certain reflections, which not a few facts recorded in this volume may help to illustrate. Whatever spirit underlay, on the one hand, the formation of native reductions as in the classic sample of the Paraguay republic, and, on the other hand, that very

It may have been owing to the drain on the health and life of men that, in behalf of the Maryland mission, a provision of a very unusual character came to be made. In 1712, the Visitor in England, Father Louis Sabran, who was acting as Vice-Provincial, granted leave "for our Factors [*missionaries*]," as the American record states it, "to return home, the full term of seven years being expired." Sabran's passage is quoted: "A stable law is now settled, that Factors in your Plantation, after seven full years there, may come back for England without further license, only advertising Head-Factors [*Provincials*?] in due time of their design; and Labourers [*lay brothers*] after nine years compleat. James Wittmore, *alias* Sabran." In another place it is noted: "Liberty to return from this Mission after 7 years service, confirmed by the Gen[eral]." Finally, another entry has it: "Mr. Retz [*the General*] has confirm'd the stipulation made by Mr. Sabran for leave to return after 7 years (*viz.* from this Mission), giving previous notice to the Provincial for the time being—not otherwise. *Ita*, R. F. Rich<sup>d</sup>. Richardson, by his letter of 27th of 10<sup>ber</sup>, 1731, to Mr. George Thorold." <sup>3</sup>

The reason for this general and permanent arrangement is not stated. We are forced to connect it with the climate; of which, in 1720, Colonel Hart, ex-governor of Maryland, said, in answer to queries of the Lords of Trade, "The climate is unhealthy, especially to strangers, occasioned by the excessive heat in summer, and extreme cold in winter; the vernal and autumnal quarters are attended with fevers, plurisies, and many other distempers." <sup>4</sup> The uncertainties of acclimatization for "strangers" may explain why, in the course of the eighteenth century, young American Jesuits in Europe were taken away from their studies, and almost snapped up, to be sent back for service in their own country. <sup>5</sup>

However, the provision thus raised to the dignity of a "stable law"

different phenomenon of shooting peaceful Indians at sight, like wild ducks in a Virginian marsh, it would appear that the same contrasting spirits exist in our times. On November 20, 1912, Mr. J. H. Harris, secretary of the Anti-Slavery and Aborigines' Protection Society, gave evidence before the Select Committee of the House of Commons, appointed to investigate the Putumayo atrocities (Peru). He said, "There was a tendency for emigration to increase from West Africa, and particularly for the labourers to go to territories under the government of the Latin races." The Chairman: "Why is that?" Witness: "Because race prejudice against the native is increasing in British colonies, and there is an absence of it among Latin races." For some trenchant remarks on this subject, and in the same sense, see Jonathan Boucher, *Discourses*, 185, 186, note. See *infra*, pp. 429, 480.

<sup>3</sup> Md.-N.Y. Prov. Arch., L. 1, pp. first fly-sheet, 1, 16.

<sup>4</sup> P. R. O., B. T., Md. 6, I, 106; "Rec<sup>d</sup>. Aug<sup>t</sup>. 26th . . . 1720."

<sup>5</sup> Cf. *infra*, pp. 129-131.

in favour of Jesuits returning "home" from America is not in keeping with the usual Jesuit principles and practice. The main principle is that any part of the world, whither duty calls, is a Jesuit's "home"; since his vocation, like that of a soldier, is "to travel into divers places, and to spend his life in any country of the world where the greater service of God and the help of souls is hoped for." This principle, indeed, St. Ignatius expressly qualified by adding that it devolved upon superiors to consider, in the case of an individual who was habitually unwell in a given climate, whether a change of place would not be more to the glory of God by restoring the person to the normal use of his abilities.<sup>6</sup> That this solicitude was exercised in practice there can be no doubt respecting individuals. But that the practice of changing and withdrawing from a mission should have become general is probably not to be met with in Jesuit history anywhere else, or at any other time, except in the case before us.<sup>7</sup>

The practical results of missionary work in Maryland, for the years under review, we have detailed in another place.<sup>8</sup> Here it suffices to recall those particular items which did so  
Spiritual fruits in America.
excite the anti-Catholic sentiment, that is to say, the conversions or reconciliations to the Catholic Church. Their numbers in Maryland were, for 1667, thirty-seven; 1669, the very same number; 1671, fifty, "many being of the first quality"; 1672, seventy-four; 1673, twenty-eight; 1674, thirty-four.

If progress like this continued during the hundred years still

<sup>6</sup> *Constitutiones S.J.*, 8<sup>a</sup> pars, c. ii. G.

<sup>7</sup> So, on two occasions in 1911, the late General of the Order, Father Wernz, began an ordinance with the following paragraph, practically identical in the two decrees: "The practice, which has been commended by the Sacred Congregation of the Propaganda, and has always been observed in our Society from its commencement, must on all accounts be adhered to, that Ours go to foreign missions, not after the fashion of mercenaries or civil officials, who leave their country only for a limited time, intending to return thither for the rest of their life, but that they devote themselves to the service of the mission in perpetuity; unless, in particular cases, superiors should judge otherwise, as when the country in question is dangerous to the particular constitution of an individual." Then, in the two decrees, follow arrangements for a temporary return of missionaries from Belgian Congo in the one case, and from the Dutch East Indies in the other, that the enfeebled health of the men may be repaired (March 25, 1911; November 5, 1911).

<sup>8</sup> *Documents*, I. No. 8, V, W, Z, A-C, for 1667, 1669, 1671-1674. For 1668, there is a Propaganda report on Maryland, in conjunction with England and a number of other Jesuit Provinces—a general summary reported by Cardinal Chigi. It says that "two Fathers [*Warren and Pole?*] have recalled 28 persons from heresy to the true faith." From the same report, culling only the statistics of conversions to the faith for the same year, 1668, we note the following items of the Jesuit Provinces which are mentioned: Upper Germany, 170 conversions; England, 681 from heresy; Bohemia, 2091 from heresy, besides 4 Jews; Lithuania, 42 from heresy, 15 from the Russian schism, and 1 Jew; Russia, 13 from schism, besides 2 Mahometans; Prussia, 30 from heresy, 24 from schism; Livonia and Courland, 60 from heresy; Massovia, 55 [*from heresy*], 15 from schism (*Prop., Acta*, August 20, 1669).

to run of colonial times, where precise statistics fail us, we may appreciate the dismay of the Anglican clergy, and understand the reasons for that violence which signalized the following century.

§ 98. At the last-mentioned date, two Franciscan Fathers, sent from England in 1672, were sharing in the harvest; "between whom and Ours," says the annual letter, "there is a mutual <sup>Arrival of the</sup> exchange of fraternal charity and attentions, to the <sup>Franciscans.</sup> general good of the Catholic interests."<sup>1</sup> This confirmed the anticipations of the governor, Charles Calvert, who on the arrival of the two Franciscans, Fathers Thomas Massey and Henry Carew, had written to his father, Lord Baltimore, "I hope there will bee a good correspondence betwixt them and the others [*the Jesuits*], for I find them very freindly and well pleased together."<sup>2</sup> Again he reported in the following year: "Mr. Carew doth officiate at St. Maryes, and so hath done since his coming in, and with Mr. Fosters consent, who is called away by Catholiques at Patuxent."<sup>3</sup>

In relation to this matter, Governor Charles Calvert betrayed a conception of missionary life and zeal, very different from what we have outlined above. Being a layman, he judged of a religious missionary by lay standards, if indeed they were only lay, and not somewhat tintured with the colours of his father's views on religious things. Father Carew was staying with the chancellor as patron, Father Massey being with the governor himself. Now Charles Calvert considered the Catholics of St. Mary's as "very cold" in making contributions to Carew; and the Franciscan himself as so very modest that he never demanded anything from them, not even allowing the governor to open the question with them. All this seems very natural in a good, self-sacrificing missionary. But the reflections on these facts were Calvert's own, and they changed the point of view considerably. He wrote thus about Carew: "I conceive he gets little but what small stipend his patron allowes him, which I wish be well payd"; but, since the Franciscan now shows a desire to leave St. Mary's for the Ridge in Ann Arundell County, where he has reconciled some to the Church, "I beleieve he hopes of a more advantageous (though not more honourable) patronage there. —But this as a secret!"<sup>4</sup> We imagine it was a secret to the good missionary himself, that he was catering for a salary.

<sup>1</sup> *Documents*, I. No. 8, B<sup>2</sup>.

<sup>2</sup> *Calvert Papers*, i. 278; April 24, 1672.

<sup>3</sup> *Ibid.*, 281; June 2, 1678.

<sup>4</sup> *Ibid.*, 278, 281, 282.

The date of the Franciscan mission to Maryland coincided with that of a new period in Catholic political life, as will be seen in the next chapter. We close the present one with some ecclesiastical points, related to the coming of these missionaries. And in this connection we meet for the last time Cecil Lord Baltimore.

On December 9, 1669, King Charles II. wrote to his "cousin," Cardinal Barberini, about Don Claudio Agretti, who had come with the Cardinal's recommendation.<sup>5</sup> The main business of Agretti, who was secretary to the internuncio at Brussels, regarded the question of re-establishing the English vicariate apostolic. He took occasion to visit Lord Baltimore, from whom he received a complaint on many heads. There was the scant service rendered by the Jesuits in Maryland; their excusing themselves for not having men to spare; the action of authorities in Rome, who would not allow a mission of secular priests to be sent over for service in America; and, besides, there was the imputation cast on himself, Lord Baltimore, that he was hostile to the presence of regular Orders in Maryland. Baltimore added how much he was "displeased at the prejudice received by religion, through the want of missionaries in the said territory, where 2000 Catholics were calculated to be; and he thought it easy to convert the others, since there were no heretical preachers in that country." The ground of his complaint he represented as of about twenty-four years' standing. Agretti noted that the dean of the secular clergy chapter lodged in Baltimore's house.<sup>6</sup> Lord Baltimore's remonstrance had a good foundation. It was even true, whether he knew it or not, that during those "twenty-four years," two Provincials, Courtney and Clarke, had endeavoured to dissolve the Jesuit mission in Maryland. This

<sup>5</sup> P. R. O., *Transcripts from Rome*, general series, 85. Of course, the appellative, "cousin," meant nothing more than formal diplomatic courtesy.

<sup>6</sup> Documents, I. No. 28, A.—Cf. Brady, as cited, *Ibid.*—In relation to the collusion just noted of Charles II. with the Court of Rome, we mention here an undated document, which we cannot place, except that it must have been written after 1668, the date of Mgr. de Laval's appointment as first Vicar Apostolic of Quebec. The memorandum states that the Jesuits are understood to have founded a mission in Maryland, and they ask the Propaganda for faculties; but that the Sacred Congregation should wish to know "the sentiment of the Court of France, and of that of England upon this matter": first, whether they have any accounts regarding the state and progress of "the said missions"; secondly, what they judge can be done for the prosperity of the same, and what precautions should be taken, "to the end that the Government of England, in its present jealous state of mind, *con la gelosia presente in cui si vive*, may not have to oppose the same and destroy them"; thirdly, whether Maryland is comprised within the limits of the bishopric of Quebec, and "whether that bishop in the actual circumstances can conveniently, without prejudice to the liberty of the missions, and without committing the [respective] nations, *senza impegno delle nazioni*, exercise his jurisdiction over the apostolic labourers who cultivate that vineyard of the Lord" (*Prop., America Centrale*, i. ff. 11, 12; endorsed, "Marilandt. America").

point did not occur in his lordship's complaint; but he did mention that, on his asking for "some Father" to send into Maryland, he was put off with the answer that the Jesuits had not Fathers enough for England.

Nearly a year later, the Propaganda empowered Don Airoidi, the internuncio, to take action;<sup>7</sup> and Airoidi signified his obedience.<sup>8</sup> But, notwithstanding large powers of discretion granted in the premises, the choice of missionaries had to be made out of a religious Order; and negotiations were instituted with the Franciscans.

§ 99. For many reasons it became a fixed policy of the Propaganda to consider religious bodies as alone equal to the foundation, administration, and perpetuation of establishments in remote countries. Its own supplies of individuals, who were called "missionaries apostolic,"<sup>1</sup> involved a minute supervision, which so general a Congregation as the Propaganda could not well exercise; and they were drawn from so precarious a source as the good will of volunteers offering themselves.<sup>2</sup>

In view of the Jesuits' corporate solidity and individual efficiency, long negotiations were set on foot at different times, and directed towards an adjustment between the Sacred Congregation and the Order. It had been thought possible that the Propaganda might take over individual Jesuit missionaries, and control them as missionaries apostolic, with or without any dependance of the latter on their own regular superiors. But in our own time, after two hundred and fifty years of debate, the question so long agitated of the Order's independence in the government of its members, has been finally closed, fixing the identical conditions in which it had been opened; leaving Jesuits, with their vows and rules, where the constitution of the Order and the bulls of Sovereign Pontiffs had placed them, three hundred and fifty years before. Left to work on its own organic principles, the Society has been considered to afford the best guarantee not only for doing good, but for doing it rightly.<sup>3</sup>

Relations between the Propaganda and Jesuits.

<sup>7</sup> Brady, iii. 119; September 9, 1670.

<sup>8</sup> Documents, I. No. 23, B; October 11, 1670.

<sup>1</sup> Cf. History, I. 306, note 34.

<sup>2</sup> Cf. Prop., Acta, 1646, *coram Sanctissimo*, 9<sup>o</sup>, on the subject of the Society of Jesus. On regulars and seculars in general, cf. *Ibid.*, Cong. Partic., September 4, 1757, ff. 874-398, seq.: *Considerazioni sopra le Missioni de' Regolari. Considerazioni sopra le Missioni de' Preti Secolari.*

<sup>3</sup> Prop., Acta, vol. xii., March 28, 1687, *coram SS.*, 29<sup>o</sup>. *Ibid.*, xiii., f. 5, select committee, January 11, 1688, ¶ 8. *Ibid.*, xiv., September 24, 1640, *coram SS.*, 87<sup>o</sup>. *Ibid.*, xv., September 12, 1642, 38<sup>o</sup>; March 3, 1648, 18<sup>o</sup>; f. 302b, select committee,

A commentary on this was afforded by the Propaganda, in the attitude which it maintained towards volunteers offering themselves for its service. However praiseworthy they might really be, and desirable as missionaries apostolic, they had to be closely scrutinized, when a regular institute did not stand sponsor for them, whether the applicants belonged to an institute or not. About this time appeared the petition: "John Scheret, Irish priest, begs for the faculties of a missionary, on his own behalf and on that of companions, for the countries of the Indies subject to the King of England, especially in the kingdom of Maryland." To this the rescript of the Propaganda was: "Obtain information about the petitioners, and the missions of that kingdom."<sup>4</sup> Some sixteen years earlier (1659), the same Congregation gave expression to a general criticism on accrediting solitary individuals, and "particularly regulars; therefore, let a formed mission be established,

The Propaganda's attitude towards missionary applicants.

March 11, 1648 (cf. *Scritture riferite nei congressi*, VI. *Lettere di Avignone . . . Indie Orientali* . . . , 1643, vol. cxlii., f. 195, Smedo, S.J., Lisbon, April 15, 1643, to Ingoli, secretary, with indorsement of the latter); July 21, 1643, 24°; September 1, 1643, 22°; November 6, 1643, 81°. *Ibid.*, xvi., November 21, 1645, 2°. *Ibid.*, xvii., January 16, 1646, *coram SS.*, 9°; February 27, 1646, 5°; October 15, 1646, *coram SS.*, 9°; November 12, 1646, 42°; December 18, 1646, 8°. *Ibid.*, xviii., February 8, 1648, 27°. *Ibid.*, xx., August 7, 1651, 7°. *Ibid.*, xxxiii., February 4, 1664, 15°. *Ibid.*, xxxvi., March 1, 1667, 26°. *Ibid.*, xxxix., September 15, 1670, 29°.—De Martinis, v. 865, Gregory XVI., May 22, 1846, appointing A. Canoz, S.J., Vicar Apostolic of Madura.—Prop., *Collectanea* (1893), Nos. 417, Instruction, September 30, 1848; 418, 420, 425, decrees, August 12, 1851; February 23, 1880; January 18, 1886.—*Of. History*, I. 809, note 42; II., *supra*, p. 71, note 4.—*Documents*, I. No. 6, U<sup>2</sup>; No. 193, p. 1006.

Many documents in archives, besides some printed literature, have shown time and pains expended on drawing a picture of the relations which subsisted between the Society of Jesus with its Jesuit missionaries and the Sacred Congregation of the Propaganda, with its vicars apostolic and missionaries apostolic. Dr. O. Mejer (whom we characterized in *History*, I. 185, note 16), following Urbano Cerri, whose Relation or pamphlet we recorded (*ibid.*, 300, notes 19, 20), had a certain portion of the Propaganda acts at hand, as just quoted by us. Taking them, and trying to understand them, partly with his own Protestant lights and partly with the shadows cast by Cerri, he produced a work on the Propaganda which contains a lengthy indictment of the Society. See O. Mejer, *Die Propaganda, ihre Provinzen und ihr Recht* (1852), i. 118–817, *passim*. The worthy professor does seem to be rather at a loss sometimes, on discerning the set determination of divers parties in the Church to have a fling at the Jesuits. "*Dabei tritt*," says he, "*die Richtung gegen die Jesuiten klar hervor*" (i. 359, on the synodal acts of Pierre Lambert, Vicar Apostolic of Tonquin). His own moral predetermination, not at all in favour of the Jesuits, would have received an impulse simply irresistible in the same line, if he had seen a document which we quote in a subsequent note, *Notizie estratte*, etc. (p. 86, note 8); where Jesuit independence, Chinese rites, ostracism of native clergy, opposition to bishops, dissensions with the whole world (except themselves), are as persistently intrusive as historical facts are persistently lacking. In any case, the Protestant professor, with his best intentions to see aright, never saw more than Cerri's trimmed extremity of Propaganda acts in the seventeenth century, and of course knew nothing of the other extremity, the final solution (Prop., *Collectanea*, *loc. cit.*); which falsified in the nineteenth century all the earlier material, so far as it had been trimmed and shaped for a purpose.

Compare herewith the anecdotes, *infra*, p. 596, note 6.

<sup>4</sup> Prop., *Acta*, October 1, 1675, 10°.

or nothing." Still the Propaganda did not shut the door absolutely in the face of such volunteers, if, being men of tried virtue, they might serve for a visit of exploration, merely to report.<sup>5</sup> In 1659 and later, two individuals, secular priests, were provided for New York, one at a time. We shall observe later the recommendations with which they were accepted.<sup>6</sup>

The Franciscans, Fathers Massey and Carew, after arriving in America (1672), experienced some difficulty on the subject of faculties. None had been received from the Propaganda.<sup>7</sup> The Jesuits could not communicate theirs. Even a prefect apostolic, as time went on, could give faculties only to those of his own Order. On May 8, 1673, a letter of the Dominican Father Howard, subsequently Cardinal, was reported to the Propaganda, stating "the necessity there was to grant those missionaries, who were sent to the island of Maryland in the year 1670, the faculties usually given to the other missionaries [*Jesuits*]; because those who went there with other faculties than the ordinary ones, imparted absolution from excommunication, and performed other functions, believing that they had at least implicitly the power to do so."<sup>8</sup> Hereupon

<sup>5</sup> Prop., Acta, April 5, 1659, 17°, to the Archbishop of Ephesus, internuncio, on his very ample recommendation of Fra Joachim of St. Nicholas, Brigittine, who desired the mission of Sweden: *Rescriptum. S.C. non approbavit hujusmodi missionarios singulares, praesertim regulares, nisi forsan in viro aliquo satis probatae et notissimae virtutis; ac proinde vel instituaturs missio formata, vel nihil. Scribatur nihilominus Internuntio, ut videat an hic religiosus censeretur aliqui valde aptus ad explorandum, per modum transitus, statum religionis et fidei in iis partibus, et referendum, quo possint aptiora remedia applicari.*

<sup>6</sup> *Infra*, p. 141.

<sup>7</sup> Cf. Prop., Cong. Gen., Ibernica, xix., f. 90r, December 3, 1672, to the Belgian internuncio: "*Non posso ricordarmi come stia l'affare dei missionarii mandati l'anno 1670 nell' Isola di Marilanda in America. Mi pare ben stiano [strano] che si sia usata questa trascuraggine, in non mandarli, o nell' atto di partenza o di poi, le solite facultà. Vedrò d'accertarmi del fatto, per emendare con ordine di questa Congregazione, quando da me si fosse fatto qualch' errore; e baccio a V. S. Ill.ª river. le mani.*"

<sup>8</sup> There were clearly none but Jesuits on the ground, yet this obscure statement mentions neither Jesuits, nor the faculties received by Jesuits from their General, nor the circumstance that, no missionaries apostolic being on the ground, there was no limitation to the use of the Jesuits' own powers. As to this last circumstance, the Sacred Congregation insisted much that, where its missionaries apostolic were exercising functions, the members of regular Orders should not avail themselves of their own special apostolic faculties, which transcended the powers of the Propaganda's missionaries. This stipulation was made to the effect that all might be on the same level: "*ut scilicet missionarii, quos Generales religionum, vigore privilegiorum a Sede Apostolica eis concessorum, expediunt ad diversas mundi partes, reducantur quoad facultates ad aequalitatem cum missionariis a Sacra Congregatione de Propaganda Fide [qui] ad diversa loca diriguntur*" (Prop., Acta, September 1, 1648, 22°). The Generals in question were mentioned thus: "*Generales quarundam religionum, ut Benedictinorum et Jesuitarum pro Anglia; et illarum ac aliarum religionum pro Indiis ex bulla Adriani VI., et pro locis infidelium ex bullis Innocentii IV., Sixti IV., Pii II., Pauli III.; et Clementis VIII. pro Carmelitanis Discalceatis [Dominici gregis cura]*" (*Ibid.*, Cong. Partic., January 11, 1688, f. 5, 8°). The extent of the apostolic faculties vested in the Generals was amplest in the Society: "*Omnes Generales, ut dictum est, possunt facere missiones, et dare suis missionariis facultates*



the secretary rehearsed the proceedings "of September, 1670, at the instance of the temporal lord of the island of Maryland." At that time, the Belgian internuncio had been empowered to send missionaries, and to submit their names for the expediting of faculties from Rome; but no word had been received on the subject since. The secretary was now ordered to call for the names.<sup>9</sup>

After this, the English records of the Franciscan Order contain the names of Fathers Polycarp Wicksted and Basil Hobart, as sent to Maryland; also of Edward Golding. In 1686, two more missionaries were to be deputed, in answer to the request of Charles Lord Baltimore; "if," said the resolution, "we find Fathers apt and willing to go." In 1699, Fathers Bruno Taylor and James Haddock were commissioned.<sup>10</sup>

Of seven or nine Franciscans sent to Maryland, the only names familiar to us in the subsequent years of American history are those of Richard Hobart (Hubbard) and James Haddock; the former, Hubbard, being much sought for by the rebel chief Coode, at the time of the Orange Revolution. The last survivor, Father Haddock, would seem to have died in 1720.<sup>11</sup>

We detect in wills the presence of one, Plunkett, who in another

*omnes, quas habentur in compendio indicis Societatis Jesu quae sunt reliquis ampliores (Ibid., Cong. Partic., December 5, 1640).* The negotiations between the Propaganda and the Orders centred in those with the General of the Jesuits: "*Nam, si Generalis Societatis Jesu Sacrae Congregationis sententias acquiescat, facile etiam Generales aliarum religionum ejusdem Sacrae Congregationis sequentur*" (*Ibid.*, August 4, 1648). Cf. also Prop., *Scritture riferite nei congressi; Missioni; Miscellanea*, iii. ff. 208 seq.: *Notizie estratte dall' Archivio di Propaganda, intorno alla dipendenza e condotta de' Gesuiti nelle Missioni* (see *supra*, p. 84, note 8). The final result was that five Formulas of Faculties, then drawn up, and afterwards increased to eight in number, supplied a rule of equalization for regular and secular missionaries. On the general policy in this matter, see the elegant preface of the Cardinal of Cremona (1687) to the Formulas (Prop., *Collectanea*, No. 141). For the consequent action of Jesuit superiors in the foreign missions, see examples given in *History*, I. 302, note 25; as also *ibid.*, 298, where we left the *modus vivendi* under some doubt, since it was not yet clear to ourselves.

For the history of faculties in English North America, see *infra*, §§ 235-237.

<sup>9</sup> Prop., *Acta*, May 8, 1678, 60°.

<sup>10</sup> Thaddeus, pp. 81-88. The terms used in the resolution, "If we find Fathers apt and willing to go," point to more than the prudential selection of missionaries. The older Orders in the Church being conventual in their character, a member entered a particular convent, had a right to stay there, and to return thither. It was an innovation in the form of a religious institute when St. Ignatius made houses and provinces mere incidents of a general administration, and not even incidents at all in the conception of individual engagement to the Order. This was in the interest of mobility, to have men ready at any moment for any place or work, the mobility reaching its highest degree with the professed in virtue of their fourth vow (*Constitutiones*, 5<sup>a</sup> pars., c. 8, § 8).

<sup>11</sup> Catholic testators of Maryland mention these two names in wills, leaving personality to the Fathers. The family names of the testators are such as Boreman, Neale, Hagan, Bowling, Cooke, Marsham. (Cf. Baldwin, ii., iii.) If any Franciscan Father adopted an *alias*, that might explain the presence in America of some priest or other whose identity is otherwise unknown.

connection is called a Capuchin.<sup>12</sup> If we cannot affirm the presence of a Benedictine also, we discern at least some intimate association with the Benedictine Order. For the rest, excepting Capuchins, the chance appearance of a priest here or there, of some Benedictines, one said to be or to have been a priest,<sup>13</sup> the nascent Church in English America during colonial times was entirely represented by the Jesuits, who had their centre in Maryland, and their missionary territory in the half-dozen colonies around—Virginia, Delaware, Pennsylvania, the two Jerseys East and West, and New York.<sup>14</sup>

<sup>12</sup> *Supra*, p. 52.

<sup>13</sup> Cf. *infra*, pp. 461, note 5, 571, note 8, 579.

<sup>14</sup> Regarding the Benedictines, we find the following statement made recently: "In the early days of the Maryland settlement, St. Gregory's [*Monastery, Douai*,] had sent out there one of her sons, D. Ambrose Bride; and the tie had been strengthened by a Marylander, D. Paul Chandler, who came to Douai in the early part of the last [the 18th] century, and was professed there in 1705" (Taunton, ii. 215, 216).

Ambrose Bride was professed in 1657; Paul Richard Chandler on December 28, 1705 (Weldon, pp. 10, 12). In the will of Col. Peter Sayer, Talbot Co., Md., probated November 2, 1697, the testator bequeathed one-third of his estate to the English Benedictine Nuns and English Benedictine Monks at Paris, and to English Friars (Baldwin, *Maryland Calendar of Wills*, ii. 131). A circumstance really singular is that which appears in the will of John Tatham, who had received an appointment once as deputy-governor of New Jersey (1690), and who died in 1700. A library of no fewer than 554 works, a stupendous number for those times, and withal a collection no less substantial than vast, was left by this gentleman of Burlington; and in it besides a considerable number of Missals, Diurnals, Breviaries, etc., there was a complete equipment of Benedictine books: Constitutions, Rules, Statutes, Breviaries, etc. See *Records*, vi. 114-138, where the catalogue is given in full. Cf. also, on John Tatham, *Researches*, v. 89, 90, 154; vii. 108, 109.

As to the Capuchin, Alexander Plunkett, we see him mentioned in wills of 1698, 1699. As Christopher Plunkett, he is coupled with four Jesuit Fathers in the will of the Franciscan Hobart, probated June 14, 1698; as Mr. Plunkett he is mentioned in similar company by Mrs. Frances Sayer and Mr. James Browne; and also without company by Dominick Kirwan (Baldwin, ii. 158, 160, 162, 189).

## CHAPTER IX

### TEST ACTS AND REVOLUTION. NEW YORK. 1673-1689

§ 100. Preludes of the Orange Revolution. § 101. Declaration of Indulgence : 1672. § 102. Test acts in policy and history : 1673, 1679. § 103. Titus Oates Plot : Jesuit blood and goods : 1679. § 104. Colonial echoes. Barbados, Jamaica. § 105. Massachusetts. Puritans and Jesuits. § 106. Puritan liberties and Jesuits. § 107. Maryland. Anglican campaign : 1676. § 108. Slaves : the general question of baptism. § 109. Local conditions in Maryland. § 110. Politico-religious campaign in Maryland : 1676. § 111. The Jesuit missionary corps : 1672-1689. Economical drawbacks. § 112. Maryland school, scholars, Jesuits : 1681-1689. § 113. Missionary aspirants for America : 1669-1696. § 114. New York. Catholic missionary antecedents : 1643-1671. § 115. Religious policy of the New York colony : 1674-1686. § 116. The London sycophants. Father Harvey : 1682. § 117. The New York school. Harvey's ascendancy : 1683-1689. § 118. The Orange Revolution : 1689.

**Manuscript Sources :** Cambridge University Library, Warner's *Note-Book*.—Archives S.J., *Anglia, Epistolae Generalium*; *Anglia, Historia*, v., vi., vii.; *Catalogi*.—(London), British Museum MSS., *Stowe*, 111; *Add.* 22,183.—Public Record Office : *America and West Indies*; *Colonial Papers*; *Colonial Entry-Books*; *Transcripts from Rome*, general series, xxxv.—(Rome), Propaganda Archives, *Acta*; *America*, 3, *Canada*, 256.—Vatican Archives, *Nunziatura di Fiandra*, lvii.—Stonyhurst MSS., A, iv.—Georgetown College MSS., *Mobberley's Diaries*.—Maryland-New York Archives S.J., L. 1; *Lewis's Diary*.

**Published Sources :** Hughes, *Documents*, I. Part i., of this series, *History S.J.—Abridgement of Laws*.—Alison, *History of Europe*, vi.—Anstey, *Guide to the Laws*.—Apostate Protestant.—Baldwin, *Maryland Calendar of Wills*, ii.—Brodhead, *Documents*, ii., iii., iv., ix.—Butler, *Historical Memoirs*, i.—*Calvert Papers*, i.—Canes, *Fiat Lux*.—Cotton, *Twenty-Four Arguments*.—Darell, *Vindication of St. Ignatius*.—Dodd, *Church History*, ii., iii.—Duhr, *Geschichte der Jesuiten*, i.—*Epistolae Praepositorum Generalium S.J.*, i.—Foley, *Records*; *Collectanea*.—Gams, *Series Episcoporum*.—*Growth of Knavery*.—Hallam, *Constitutional History*, iii.—Hansard, *Parliamentary Debates*, iv.—Hughes, *Loyola*.—*Johns Hopkins University Studies*, 17th series, vi.; 19th, x.—Lecky, *History of England*, i.—Lingard, *History of England*, viii., ix.—Locke, *Letters on Toleration*, i.—*Massachusetts Historical Society Collections*, 1st series, vi., ix.; 2nd, ii.,

iv., v.; 3rd, viii., ix.; 4th, viii.; 6th, i.—O'Callaghan, *Documentary History of New York*.—Perry, *Massachusetts*.—Public Record Office, *Calendars, A. and W.I.*, iii., iv., v.—*Researches*, v., xiv., xix., xx., xxii.—Rochemonteix, *xvii<sup>e</sup> siècle*, iii.—Shea, *History of the Catholic Church in U.S.*, i.—Simpson, *Edmund Campion*.—*Statutes of the Realm*.—Thwaites, *Jesuit Relations*, xxxvi., lix.—Warburton, *Alliance between Church and State*.—Winsor, *History of America*, iii., iv.

IN the course of several Stuart reigns, all verging towards Catholicity, there were two violent interruptions, one that of the Commonwealth which had been fatal to Charles I., the other that of the commotion excited under Charles II. by the anti-Popish plot of Titus Oates. This was not fatal to the king; it found in his pliable character an accomplice, however reluctant. Among the victims of the fury, Jesuits occupied a conspicuous place.

The wave of anti-Catholicism, thus started in England, rolled over and amplified the movement of anti-Popery, which was like a groundswell in colonial life. In Maryland, Catholics did still enjoy a position of tolerance, corresponding to their antecedents and social prestige. But the forces were gathering to change the old order, in politics no less than in religion. The quiet and sedulous energies of the missionaries were scarcely interfered with as yet. There are some scanty but interesting notices of a local school set up by them.

Then the metropolis of the north was approached. In New York, life became interesting amid a variegated population which spoke eighteen different languages. While, out on the frontier of the province, the French Jesuits from Canada had appropriated the Five Nations of Iroquois, the English Jesuits in the town of New York had the freedom of a place which was becoming as prominent among the colonial settlements of England as it is now among the cities of the world.

The enterprise of the Jesuits was in train for great results in the future, when further progress was abruptly cut short by the Orange Revolution.

§ 100. During the period covered by the preceding chapter, a revolution, distinctly anti-Catholic, was preparing. Charles II., who had received Agretti, and written to his "cousin," Cardinal Barberini, was pursuing his inauspicious way. If he had been Catholic in morals, he would already have been Catholic in faith.<sup>1</sup> His brother,

<sup>1</sup> Cf. P. R. O., *Transcripts from Rome*, general series, 35; February 7, 1685: "*Testimonium quo probatur Carolum 2<sup>um</sup> Magnum [Magnæ] Britanniae Regem ab anno 1652*

the Duke of York, considerably in advance of Charles on the score of morals, was vastly superior in resolution, and was already within the fold of the Catholic Church. The Duchess, Anne, daughter of the Chancellor Hyde, Earl of Clarendon, indited an account of her conversion, which she said had been owing to no dealings with Catholics. It had matured, though, she wrote, "I confess I was one of the greatest enemies it [*the Roman Catholic Church*] ever had." She closed the paper with a prayer somewhat ominous in its forebodings: "My only prayer is, that the poor Catholics of this nation may not suffer for my being of their religion; that God would but give me patience to bear them and send me any afflictions in this world, so that I may enjoy a blessed eternity hereafter."<sup>2</sup>

During about fifty years now, since Charles I.'s time, this cloud of Catholicity had been hanging over the nation.<sup>3</sup> It had brooded over the Commonwealth. It had largely given occasion to that phase of political convulsion; and, in spite of all the fury expended, it hung, at the demise of the Commonwealth, like a summer cloud tinged with the rays of the Stuart Restoration. The days were returning when, as Fabricius had lamented exactly one hundred years before, "a man could with a single sermon bring every one back to Popery."<sup>4</sup> The violent Sir Robert Cotton had written in a tone somewhat despairing, but not without a gleam of hope, if only his counsels were followed: "That an evil weed groweth fast, by the example of the new Catholique increase is clearly evinced"; and, "what is the cause,"

Sir R.  
Cotton's re-  
flections.

*non longe abfuisse a religione Catholica.*"—Of. Dodd, iii. 898, 899, from Eohard, iii. 782: two very forcible papers attested by James II. and the Duke of Ormond, as being in Charles II.'s own writing. They are short; but, on the nature of the Christian Church in civil society, they are more than equal to Locke's philosophy and Warburton's theology.—The date of the Duke of York's conversion is unknown (cf. Hallam, ii. 514).

<sup>2</sup> P. R. O., *Ibid.*, 85, in Italian: "*S. Giacomo* [St. James's Palace], 20 agosto, 1670."—Dodd, iii. 897, 898; the same in English.—The P. R. O. copy has a pencil note at the end, fol. 5: "Qu. Printed in Kennett's Register, 820. See Hallam, *Constit. Hist.*, ch. xi., note."—Though the lady does not mean to be censorious, the simple narrative of her conversion seems more trenchant than Charles II.'s papers.

<sup>3</sup> Cf. *History*, I. 180; Hallam on the inexplicable phenomenon.

<sup>4</sup> J. Janssen, *Geschichte des deutschen Volkes*, iv. 7, note 1 (edit., 1885). This showed the profoundness of Luther's policy to use the pulpit for a purpose which is rather untranslatable: "*Wir müssen dem Papst und seinem Reich fluchen und daselbige lästern und schänden, und das Maul nicht ruthen, sondern ohne Aufhören dawider predigen. Etliche geben jetzt für, wir können anders Nichts, denn den Papst und die Seinen verdammen, schänden und lästern*" (*Ibid.*, iii. 60, 61). Nearly four hundred years later, this identical sentiment of Luther's mind, with its identical privilege of monopolizing the evangelical mind, has been ascribed to the Lutheran Church on occasion of the debate in the Reichstag to repeal the anti-Jesuit exclusion law (December 4, 1912). Said the *London Telegraph*: "The Evangelicals have retained, as their one really vital principle, an intense hatred and fear of Catholicism."

he asked, "that, after so many years preaching of the Gospell, the common people still retain a scent of the Roman *perfume*?" His own metaphor suggested the answer; they were running where the ointments had a goodly fragrance. But he had hopes of better times if, instead of making martyrs of priests, and thereby making England redolent of anything but perfume in the nostrils of Europe, the nation were only astute enough to shut up all the ministers of God in prison; for, as his own marginal note propounds his thesis, "More priests may be shut up in a yeare than they can make in many."<sup>6</sup>

But there are always consolations for afflicted humanity, especially when the affliction comes only from an appetite whetted and a hope deferred. Speaking of the distress caused by the existence of Catholics, Sir Robert Cotton not only admitted that "what we feare we commonly hate," but he grew warm on the general thesis in their regard, that what we desire we shall find means to get. He and others had a keen appetite for the property of the Papists; not that disinterested parties like himself should enter into it, but that the Papists should be ousted out of it. Any one could understand that game. He pleaded that informers ought to be engaged with good pay and a good name. Volunteers, he said, would not do; people hated the "unwelcome name of a blood-succour, a busibody, or a Puritane," which "hath been shreud scar-crowes unto many honest minds." A poet expressed this more elegantly, saying that—

"The most infamous are fond of fame,  
And those, who fear not guilt, will start at shame."

Honest minds would do dishonest and indecent work if they could do it with a decent name. In fact, philologically speaking, we find the elevated term "promoter" in use for "informer."<sup>6</sup>

<sup>6</sup> R. Cotton, *Twenty-Four Arguments*, pp. 181, 144; printed 1651.—To the Cottonian MSS., which formed the basis of the British Museum Library, a genealogical tribute is attached: Sir Robert Cotton, Bart., collector, ob. 1681; Sir Thomas, ob. 1662; Sir John, donor, ob. 1702.—In *History*, I. 129, 180, we have explained the meaning of what Cotton advocates here, striking at the priesthood.—Of Simpson (p. 151), on Elizabeth's time: "The Catholics, whose priests and schoolmasters were driven away or hanged, stood aloof and would listen to no one else. For three or four generations their descendants preserved 'the perfume of Rome,' as Cotton says, and afterwards were gradually assimilated to the surrounding population, still, however, retaining a traditional hostility to the State Church."

<sup>6</sup> In 1677, the Virginia Commissioners recommended the title, "Conservators of the Law," as a proper and genuine one for informers. See *infra*, p. 161, note 7. So Tiberius had called informers *custodes jurium*, "guardians of the laws"; albeit Domitius, while still not irreclaimable, enunciated a different maxim, that the prince who did not chastise informers was only inciting them. Cotton was not far astray when he espied a good deal in a name. The laws themselves

Cotton's plan was to have some thousands of pounds taken out of the Papists' estates, or, as he expressed it technically, taken "out of the Recusants penalties"; that is to say, out of the perpetual black-mail which was levied in England, and called "king's debts." The funds so raised at the expense, to further the ruin, of the Papists should be "committed by his Majesty to the disposition of zealous distributors, who," said Cotton with implicit assurance that the spoilers could dispose of the good things, "will not be afraid to conclude, *Perdat fiscus ut capiat Christus*."<sup>8</sup> Christ was to gain the Papists' souls, and the harpies the Papists' property; which latter was so sacred a debt of honour due to the informer that, though the king could stop any criminal prosecution in his courts, he could not do so with an action "popular" under a penal statute; for that would release the informer's interest, prejudicing his right to a share of the booty.

Another gentleman approached the Christian side of the question from another quarter. He was a member of Parliament, whose name Airoldi does not mention to Cardinal Rospigliosi. This religious person closed his pious life with a signal act of divine service. In a long letter written for posthumous edification, he gave expression to his vexation of spirit at seeing the comfort, splendour, and luxury with which London was being rebuilt after the great fire, while all the Protestant churches lay still in heaps of ruins around. He protested that a scruple of conscience would not allow him to neglect the service and honour of God by leaving this life while he left the houses of worship in such a condition. Therefore he insisted that the rigorous laws against Catholics should be put into execution; thereby money in abundance would be wrung from them to rebuild the Protestant churches; and, says Airoldi, "with this good work he sweetly departed this life."<sup>9</sup>

against Catholics were, like the informers, only sailing under false colours; on the principle of Augustus, who called things, which he did not like, by names that did not belong to them, as "treason," or "sacrilege"; then he dragged the things under the laws analogous to his names, "*gravi nomine 'laesarum religionum' ac 'violatae majestatis' appellando*." Any plot can be popularized by calling it a policy; and any policy by making it a law. Men, said Cicero, when falsest, do still like to go under the semblance of goodness, which is the "most capital form of injustice." The whole scene which we have to set forth here looks like that of old Rome come back again; the State groaning under crimes, and the Catholics under laws. (Cf. Tacitus, *Annal.* iii. cc. 24, 25; ix. c. 30. Suetonius, *Domitius*, § 9. Cicero, *de Officiis*, xiii. § 42. Cf. History, I. 95.)

<sup>7</sup> Cf. History, I. 87, *seq.*

<sup>8</sup> Cotton, *loc. cit.*, pp. 122, 140, 141.

<sup>9</sup> Vatican Arch., *Nunsatura di Fiandra*, 57; sheet of *Avvisi*, London, November 8, 1669, in letter to Rospigliosi, October 26, 1669: "*E con questa buona opera terminò dolcemente la vita*."

If we may compare small things with great, this unnamed commoner, defunct in 1669, was not unlike many historians of great name and departed worth, who have left similar legacies to amity, religion, and truth.

The Lords and Commons addressed Charles II. on the Causes of the Growth of Popery (1671). This precise subject of imperial concern and censure was to become a governing pre-<sup>The growth of Popery.</sup> occupation of the colonial mind and police, during the whole century which now followed till the American Revolution. Reflecting on the king himself, the two Houses represented under ten heads that there were "great numbers of priests and Jesuits" in the kingdom, "seducing your Majesty's good subjects; several chapels, and places used for saying of Mass"; also "fraternities, and convents of English Popish priests and Jesuits at St. James's [*Palace*]"; besides, "the common and publick selling of Popish catechisms, and other seditious books, even in time of Parliament"; a "general remissness" in "not convicting Papists according to law"; yea, and there was Catholic education "beyond the seas" for the children of Catholics.<sup>10</sup>

§ 101. Soon after the Restoration, Charles II. (December 26, 1662) had attempted to introduce on behalf of dissenters a general toleration, by which the Catholics too would have profited. Among the Protestants who, dissenting from Anglican rites and doctrine, would thus be allowed public liberty of their own worship, the Independents were willing to concur in accepting such a toleration, marred though it was by embracing Catholics. But the conscience of the Presbyterians inhibited them from being of such a mind. The king's measure failed to meet with approval, even though the House of Lords had expressly limited the indulgence, by drawing the line at Jesuits, who were to be left out. This noble "watchfulness of an English Parliament" in its "jealous apprehension of Popery" is sufficiently vindicated in current history by a selection of charges against priests and Jesuits, and by selectness of language. There was, says one, "the notorious insolence of the Romish priests," who "disdained to respect the laws enough to disguise themselves." Jesuits were "intriguing," "restless"; Catholics were an "obnoxious sect," and so forth.<sup>1</sup>

The Jesuits were certainly not agreeable to the exclusion of

<sup>10</sup> Dodd, iii. 195.

<sup>1</sup> *Ibid.*, iii. 390, 391.—Hallam, ii. 465, 469–471, and *passim*.



themselves from toleration. This they showed in twelve heads of a memorial, wherein they not only passed strictures on the inconsistencies of such Protestant legislation, but were evidently rebutting also the contentions of persons not Protestant.<sup>2</sup> Among other arguments which they based on his Majesty's original promise before the Restoration that all should have liberty of conscience, the Jesuits noted that they themselves were largely living in the homes of their own families, which had been so loyal to his Majesty; and, if he allowed the Jesuits to be exiled, he would be punishing these noble families through them.<sup>3</sup> This reasoning might have told with the king, but not with others.

Now, in 1672, Charles II. issued a Declaration of Indulgence,<sup>4</sup> in which he allowed full liberty to dissenters, but prohibited the

Declaration of  
Indulgence,  
1672.

public exercise of their worship to Catholics. As to the private exercise of their religion, which was already connived at, the Declaration would simply have secured Catholics from annoyance. In taking this measure, the king declared that he was making use "of that supreme power in ecclesiastical matters, which is not only inherent in us, but hath been declared and recognized to be so by several statutes and acts of Parliament."<sup>5</sup> This was more than people could stand. Though Charles II. declared in Parliament that he would "stick by" his Declaration in favour of indulgence for consciences, still, as a modern says complacently, Parliament "compelled the king to recall his proclamation suspending the penal laws, and raised a barrier against the encroachments of Popery—in the Test Act."<sup>6</sup> The Presbyterians and other dissenters suffered in consequence, since they too were under penal laws. But, says the liberal writer whom we have just quoted, they "with much prudence or laudable disinterestedness gave their support to the Test Act. In return, a bill was brought in, and after much debate passed to the Lords, repealing in a considerable degree the persecuting laws against their [*the dissenters' own*] worship."<sup>7</sup> A rationalist of our day, contemplating this transaction, by which the dissenters manoeuvred to eliminate themselves from persecution and the persecuted Papists from toleration, says that they acted with "rare and magnanimous

<sup>2</sup> Cf. History, I. 69-77, *passim*.

<sup>3</sup> *Angl. Hist.*, vii. ff. 6, 7—Cf. Hallam, iii. 465, note.

<sup>4</sup> June 2, 1678, Charles Calvert acknowledged the receipt of a copy very drily (*Calvert Papers*, i. 301, Charles to Cecil).

<sup>5</sup> Hallam, ii. 527.—Dodd, iii. 391.

<sup>6</sup> Hallam, ii. 527.—Dodd, iii. 391, 392, part of the king's speech.

<sup>7</sup> Hallam, ii. 532.

disinterestedness.”<sup>8</sup> If by a sudden prorogation the course of relief for the dissenters was stopped just then, still comfort came in due time. For, to quote again from the same estimable literature, the judicial murders of Papists on occasion of the Titus Oates Plot became “a standing monument of the necessity of the [*Orange anti-Papist*] Revolution”;<sup>9</sup> and, when that happy event had occurred, all penal laws against dissenters were suspended for the relief of their consciences, and all penal laws against Catholic consciences were reinforced by new ones.

§ 102. The first Test Act, that of 1673, was entitled “An Act for preventing dangers which may happen from Popish recusants.” It imposed the oaths of supremacy and allegiance, with a declaration against Transubstantiation, as a necessary qualification for all offices of trust. Disabilities were inflicted on all persons who, not having professed the Popish religion, suffered their children to be brought up in the said religion.<sup>1</sup> From the Duke of York down, every one who had the religious conscience of a Catholic was forced to resign any post of trust. Still a compliment was paid to the same conscience, since no provision seems to have been made for the case in which a man might conceivably swear to not being a Papist, and yet really be such. However, prevarication like this could well be passed over, and the person himself passed and adopted, without misgivings as to his future. Experience made that clear; for such temporizing or conforming Papists—“schismatics” they were called by Catholics—had given bulk to the Anglican body. As to Catholic loyalty, the same act expressly provided for the continuance of pensions to the Catholics who had saved the king after the Battle of Worcester;<sup>2</sup> and the king’s speech in Parliament had contained a eulogy of the Catholic body, for loyalty to himself and his royal father.<sup>3</sup> Religion was the sole objective.

The next Test Act, that of 1679, was an incident of the Titus Oates Plot, and was named, “An Act for the more effectually preserving the Kings person and government, by disabling Papists from sitting in either House of Parlyament.” The formula for anti-Catholic swearing was ample: “I, A. B., doe solemnely and sincerely, in the presence of God, professe, testifie and declare, that I doe believe that, in the

<sup>8</sup> Lecky, *England*, i. 320.

<sup>1</sup> 25 Car. II. c. 2.

<sup>2</sup> Dodd, *loc. cit.*

<sup>9</sup> Hallam, ii. 575, note.

<sup>3</sup> *Ibid.*, § 9.

Sacrament of the Lords Supper, there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at or after the consecration thereof by any person whatsoever; and that the invocation or adoration of the Virgin Mary or any other Saint, and the Sacrifice of the Masse, as they are now used in the Church of Rome, are superstitious and idolatrous." Then, projecting the conscience of the legislators on Catholics, there was a long subsidiary declaration against "evasion, equivocation or mentall reservation."<sup>4</sup> So Parliament was cleared of the Catholic lords, and also of Catholic commoners, if there were any still left to represent Englishmen.

Surprise has been affected, that the most remote and intimate points of a Catholic's belief should ever have been dragged out into an oath, qualifying for political and civil service; that belief in Transubstantiation, reverence for God's Mother, worship at the Sacrifice of the Mass, should ever have gone to construe a man as intolerable, even if Protestants did construct him into an idolater. A modern liberal observes: "Even on the hypothesis that a country gentleman [*member of Parliament*] has a clear notion of what is meant by idolatry, he is, in many cases, wholly out of the way of knowing what the Church of Rome, or any of its members, believe or practise. The invocation of Saints, as held and explained by that Church in the Council of Trent, is surely not idolatrous."<sup>5</sup>

However, the provocation for all this intolerance was clear enough. There was the trend of conversion to Catholicism on all hands. The Duke of York, heir presumptive to the throne, and a Catholic, was charged with being "engaged in a scheme of general conversion";<sup>6</sup> and, if German Lutheran pikes had been the power moving eleven-twelfths of the English population from Catholicity to Protestantism,<sup>7</sup> it was not permissible that the exercise of private judgment should now move them back. The people were lashed into fury under the leadership of Titus Oates, and of most reverend divines, Sancroft, Sharp, Barlow, Burnet, Tillotson, Stillingfleet, who poured forth a stream of rudeness and scurrility from the pulpits; while the judges, Scroggs, North, Jones, Pemberton, turned the courts again into "caverns of murderers," as of old.<sup>8</sup> Numbers

<sup>4</sup> 30 Car. II. st. 2, c. 1.

<sup>5</sup> Hallam, ii. 579, note.

<sup>6</sup> *Ibid.*, 582.

<sup>7</sup> *History*, I. 86.

<sup>8</sup> *Ibid.*, 96, 99.—Hallam, ii. 577. On Pemberton, see *History*, I. 99. On the scurrilous divines, see *infra*, p. 171, note 4.

paused in the path of conversion, and retreated. So an annual letter informs us, even before the date of the Titus Oates Plot.<sup>9</sup>

So was the anti-Catholic revolution launched, in the midst of a generation actively aggressive against religion; passively ignorant of Catholic doctrine and morality; encrusted in a tradition which was hardening for a hundred years past. The spirit of the Test Acts entered into the very composition of history; the first, with its purpose of "quieting the minds of his Majestyes good [Protestant] subjects"; the second, preventing "the free accesse which Popish recusants have had to his Majestyes court"—in history, the court of record. This was precisely what had happened in Germany.<sup>10</sup>

The Test Acts percolating through history.

\* *Angl. Hist.*, v. p. 840; 1677, signed, "Thomas Harcottus" (Provincial): "*Ea nunc sunt tempora in Anglia, gliscente in Catholicos persecutione, ac territis inde plurimorum animis, ut pro magno ducendum sit, quod ante paria in causa fidei tueri possimus; neque enim modo ut olim tam libere ac tuto cum heterodoxis licet de religione agere, neque ipsi tam facile amplecti possunt quae a nobis intellexerint, metu jacturae bonorum, quam sibi inde impendere certo vident.*"

The classic poet, who had just then ended his days, put an issue like this before his hero of *Paradise Lost* (ii.):

"Back to thy punishment,  
False fugitive, and to thy speed add wings,  
Lest with a whip of scorpions I pursue  
Thy lingering."

The fury into which people were lashed by the Titus Oates fraud is commonly assigned by historians to an access of frenzy. That explanation is not adequate. There was another cause, cupidity. But the frenzy may well be illustrated by an Indian story; and the cupidity, of which annual letters speak, by an American circumstance, which Charles Lord Baltimore described to the Privy Council.

Father Bruyas, in the Jesuit Relation for 1670, relates how a drunken Indian set fire to a cabin, which was burnt up in less than a quarter of an hour; and, had the wind been blowing from another quarter, half the village would have been reduced to ashes. He explains the tactics underlying the operation: "When our savages have received an injury from any one, they go and get half drunk; then they do with impunity whatever their passion suggests. All the satisfaction to be obtained afterwards is given in these two words: 'He was drunk; he had lost his reason.'" So much for the palliation of popular madness. As to the cupidity, Charles Lord Baltimore explained to the Privy Council, how Josias Fendall, John Cooke and others, had stirred up civil commotions, that so Fendall "and his crew might possess themselves here [in Maryland] and in Virginia of what estates they pleased." (Cf. Scharf, i. 285, 286; 1681.)

There is another explanation offered for the Titus Oates fraud. It merits record as a sample of what may seem "not improbable" to an historian, who has to take a trip in fancy over the sea in search of it, but cannot handle the "vague" thing when he has invented it. Hallam says: "It does not seem improbable that the atrocious fictions of Oates may have been originally suggested by some actual, though vague, projects of assassination, which he had heard in discourse among the ardent spirits of that college" (ii. 572). This indeed is history

"Quenoh'd in a boggy Syrtis, neither sea,  
Nor good dry land."

<sup>10</sup> Gindely, *Rudolf*, ii. 160: "*Die Protestanten, schliesslich die Sieger auf dem Schlachtfelde, sind bisher auch die Sieger auf dem literarischen Kampfplatze gewesen; sie haben die Geschichte des 17. Jahrhunderts geschrieben*" (J. Janassen, *Geschichte des deutschen Volkes*, 12th edit., v. 278, note). As late in history as July, 1910, the same deposit of tradition and history came up in the Regency Act, passed by the House of Commons. There was a clause to protect the nation against the contingency

A plague had come and spent itself, during which Catholic priests laid down their lives in the service of charity. A fire had come and been quenched; though its traces were not so lost, but that the London Monument, for one hundred and sixty years, proclaimed in graven stone—"like a tall bully," says the poet—that the Papists had burnt London. A great plot came and passed away, albeit that too cut deeper into the popular mind which knew nothing about Popery, than the fire record into the monumental stone which knew nothing either. But, after plague, fire, and plot, the survivors who started anew in life, none the worse for any of these scourges, were none the better than their predecessors in the heritage and succession of thought. And, as generations followed blending undistinguishably one into another, the identical germs of thought, literature, and laws, which had their origin in the mental soil of the sixteenth and seventeenth centuries, lived to put forth their hardy growth in the nineteenth and twentieth centuries. Only the original soil had been washed away.

§ 103. Under the date of August 12, 1679, an account sent from St. Omer's to Rome gave the summary of losses to the Society at that date. There were thirty-five Fathers apprehended and imprisoned, of whom six had already been executed, the Provincial, Father Thomas Harcourt, among them. **Havoc wrought among Jesuits.** The French Jesuit Father, Claude de la Colombière, confessor to the Duchess of York, was denounced by the Bishop of London in the House of Lords as having said that the King was a Catholic at heart, and that the power of the Parliament was not to last for ever; also as having perverted Protestants, and sent missionaries to Virginia. Whereupon the Lords addressed the King, desiring him to send De la Colombière out of the kingdom.<sup>1</sup>

On a par with the thirst for blood, but much more persistent, was the thirst for property. To this phenomenon, which is so

of Catholicity affecting the Regent however remotely, by intellectual conviction, moral inclination, or matrimonial entanglement. The Irish member, Mr. John Dillon, bantered the House on this perpetual passing of acts to protect the British empire against the Pope, and this setting up of the Catholic Church as so formidable that the knees of Protestants quaked. Two years after that, the same deposit of tradition was vigorously stirred up in the German Reichstag, where the Chancellor, Von Bethmann Hollweg, rebutted the attempt to repeal the anti-Jesuit law of Bismarck (1872), and stated sententially: It was an historical fact that Protestant sentiment had always resented Jesuit activity; and they could not dispose of that fact by reasoning or dialectics (December 4, 1912).

<sup>1</sup> Lingard, ix. 187, note; A.D. 1678.

irritating in a robust organism, Sir William Johnson, Indian commissioner for the northern colonies, referred more than once in the next century, when he spoke of the unquenchable thirst for Indian lands.<sup>2</sup> Preying on property.

Father Warner wrote in 1680, immediately after the fury of blood-shedding: "This year the cruelty has exercised itself less in taking lives than in taking property; for they had found that the pious death of our Fathers of blessed memory was almost fatal to heresy; so true are the words of Tertullian: 'Blood is the seed of Christians; we grow more as often as we are reaped.' Hence, leaving persons alone, they have pried keenly into Catholic property; which would bring in less odium and more booty. About £80 a month have been rigorously extorted from each father of a [Catholic] family; which burden, oppressive to every body, was utterly beyond the capacity of the less competent. Many of these, unequal to the tax, had to go into exile, and there in foreign lands perished of famine."<sup>3</sup>

As to property owned for religious purposes, the denunciation of "superstitious uses" was a general lever for confiscation. This no one scrupled to apply. We shall find Dr. Thomas Bray resorting to it some twenty years later, when he was providing parochial libraries for Maryland, and establishing the Anglican clergy there.<sup>4</sup> Superstitious uses. Of this legal fiction the General remarked with philosophical calmness to Father Keynes, the Provincial (January 27, 1685), that he should wish indeed the temporal affairs of the Province to have much more amplitude than the report showed: "However, the munificent Providence of God will bring that to pass, when He takes

<sup>2</sup> Indeed just recently in Oklahoma, where law secures land rights to the Indians, it has been remarked that the Indians will soon have all the rights, and the whites all the lands. John Fiske has observed that there is no savage race on earth so savage as the white race, when it comes to a contest of barbarity. It does take a man to be a brute; such as the Darwinian brute could never be, until it evolved into a man. So did Macaulay note, when speaking of the English Government at a respectful distance of time and place, that in India the Government, strong with all the strength of civilization, was oppressive as the most oppressive form of barbarian despotism. But really there is no need of projecting distant India on the canvas for illustrations of the phenomenon.

<sup>3</sup> *In exteris regionibus inedia perierunt* (*Angl. Historia*, vi. pp. 150, 151; 1680).—Thirty years subsequently (1710) it was reported that "during these twenty years no family, of which Ours have the care, has been lost to the faith, although temptations have been of the most grievous kind, on account of the impost on Catholics, double payment of all taxes. The principal part of the whole kingdom, and much the chieffer part of the gentry, *nobilium*, is under our care." In the three years just elapsed before 1710, when these words were written, 2421 general confessions had been heard; in the past nine years, 3537 conversions had been effected; and the sum total of all Catholics under the care of the Jesuits, on both sides of the English Channel, was 18,900 (*Ibid.*, p. 686, *Catal.* 3, *rerum, Observanda*; 1710).

<sup>4</sup> *Infra*, 805, note 4.

out of the mind of the nation the idea which it has; and what is meant for the use of those who profess the worship of God, will not be [*considered as*] spent on superstitious uses." Whatever the Society possessed was dilapidated in all directions, and by every kind of means; through informers, whether heterodox or otherwise; through trustees intimidated, or an agent who, intimidated likewise, thought himself justified in making everything known; and yet the revelation was found to be of such little consequence that it did not save his life. One thing survived, an heroic spirit in those who braved the storm; and, in the hearts of the young generation at St. Omer's College, an enthusiasm and self-devotedness, worthy of their harassed and generous families on the other side of the English Channel. The General wrote to Warner, the Provincial, how much he was comforted on hearing of the young men's ardent desires for admission into the Society, the very best in talent and virtue asking to be received.<sup>5</sup>

§ 104. The Lords of Trade and Plantations interrupted their colonial work on account of the Popish Plot which was convulsing the empire; and the conscience of the colonies became alive with scruples about sanctioning the Catholic religion so far as to leave it alone. Barbados conceived a deep resentment at the horrid anti-Popery. and hellish plot, appointed a day of fast and humiliation, and unanimously passed an act "for preventing dangers which may happen from Popish recusants." Great guns and shot were forthwith to be bought at reasonable prices by a worthy colonel and a major for the use of the country.<sup>1</sup>

A famous little place was Barbados for its piety and religiousness. Every one was drilled and drummed to the Church of England. The informers' craft was highly developed and well paid, for denouncing all masters and overseers who had not prayers openly said or read every morning and evening in their families. Attendance at church twice on the sabbath was secured by penalties; and the minister's duties and hours were fixed by law. Constables, churchwardens, and "sidesmen" were exempted from divine service on Sundays, for they were going about the taverns, "etc.," and putting delinquents in

<sup>5</sup> Documents, I. No. 8, H<sup>2</sup>; 1681.—*Anglia, Epist. Gen.*, January 27, 1685, to Keynes; August 27, 1688, to Warner.—Foley, *Collectanea*, s.v. "Tidder, E."—Engl. Prov. Arch., *Excerpta ex Archiv. Bruxellensi*, pp. 169–182, "Endd. Mr. Langhorne's discovery of Jesuits means. A Particular of all such Estates. . . ."—*Cf. Calvert Papers*, i. 256, on Langhorne, Cecil Lord Baltimore's legal adviser (1672).

<sup>1</sup> P. R. O., *Cal.*, v. §§ 864, 896; January 22, February 19, 1679.

the stocks, or taking fines. Swearing and cursing were eliminated by the same correctives. As to Papists, the Test Act, recently passed in England for preventing dangers which may happen from Popish recusants,<sup>2</sup> operated in this island also, to bar Catholics from every office or post of trust, and from teaching school. When the anti-Catholic revolution came to be fully accomplished at the accession of William III. and Mary, all Christians who protested against Catholicity, however much they might also protest against the Church of England; all Quakers too, who in their quiet way protested against Christianity itself, and never swore but only "declared," were to have the full benefit, ease, and indulgence granted and allowed by an act made 1 William and Mary, entituled, An Act for exempting their Majesties Protestant subjects, etc., from the penalties, etc.<sup>3</sup> The grand jury of Barbados had, indeed, dilated not a little on the decline of worship, on the lack of public informers for the enforcement of penal laws, and on the brutality of masters and overseers towards their Christian servants, whereby some had been "lately destroyed."<sup>4</sup> But with all this Sir Jonathan Atkins, Governor of Barbados, was able to assure their lordships of Trade and Plantations that the Protestantism of the colonists was sound; for, said he, when the Titus Oates Plot suggested the imposition of an oath of allegiance, "such was the heat here that, if I had not past that law, I should my selfe have past for as arrant a Papist as any was hang'd att Tiburne."<sup>5</sup>

The business of Jamaica was suspended by the Board of Trade, though the issue just then between the home authorities and this Crown colony was nothing less than that of importing Poyning's Law from Ireland into so good a colony as Jamaica.<sup>6</sup> Secretary Coventry wrote to the governor, Lord Carlisle, that the business in Parliament and about the Plot had so entertained the Board, as to leave their lordships no time.<sup>7</sup>

The spirit in Jamaica itself was not illiberal, because settlers were wanted—provided people came really to "settle, merchandize, or plant," and came not expressly for religion, to draw people from the doctrine of the Church of England.<sup>8</sup> But the Instructions for

<sup>2</sup> Cf. *supra*, p. 95.

<sup>3</sup> *Abridgement of Laws*, pp. 188, 189, 246, 249, 250, 255, 256.

<sup>4</sup> P. R. O., *Cal.*, iii. § 1116; July 8, 1673.

<sup>5</sup> *Ibid.*, *Col. Papers*, xliv. f. 862<sup>v</sup>; March 26, 1680.—*Cal.*, v. § 1334, p. 508.

<sup>6</sup> Cf. *History*, I. 885.

<sup>7</sup> P. R. O., *Cal.*, v. § 1014; June 2, 1679.

<sup>8</sup> *Ibid.*, *Col. Entry-Book*, xxxviii. p. 224.—*Cf. Cal.*, iii. § 829, p. 360; May 14, 1672.

Jamaica :  
liberty of  
conscience  
qualified.



the Earl of Carlisle, allowing him to grant every one liberty of conscience, pared down the right of private judgment, according as individuals mounted up in the civil administration, until none at all was granted to the highest of all, the earl himself, whose liberty dwindled into a vanishing quantity at the top. No members of council, judges, or justices could be dispensed from the oaths of allegiance and supremacy; and, as to the governor himself, his Majesty's words ran to the effect: "We oblige you in your own house and family to the profession of the Protestant religion."<sup>9</sup>

Soon afterwards, in 1682, a law of charitable uses was passed in Jamaica, suspending the operation of mortmain acts for twenty years **Superstitious** to come, in favour of religion and charity; but it carefully **uses.** excepted all donations or devices for superstitious uses, or for the maintenance of any teacher not lawfully ordained and allowed by the Church of England.<sup>10</sup> The precise meaning of "superstitious uses" was betrayed by a violent writer of that age, who declaimed against so great a part of the land being "alienated and condemn'd to (as they call it) Pious Uses."<sup>11</sup>

§ 105. With Massachusetts likewise the prosecution of business in London was suspended by the prosecution of the Popish Plot.

**Massachu-** And yet the matter in hand was not trifling. It was the  
**setts and the** same which had to be kept in hand for precisely a  
**Lords of** century; and only after a century was it settled, not  
**Trade, 1679.** by their lordships at the Board of Trade and Plantations, but by the American Revolution. The business was that of bringing Massachusetts to an acknowledgment of its duties, and of its dependence on his Majesty. Reasons were never wanting to the home authorities for inducing this Commonwealth to assume a proper demeanour; but for every reason in that direction there were always other better ones, convincing the upright people that their demeanour was unexceptionable. For instance, their lordships instructed the Massachusetts agents that, as liberty of conscience had been the

<sup>9</sup> P. R. O., *Cal.*, iii. § 1252 (14), March 28, 1674; v. § 641, March 30, 1678.—Not far off from these Instructions is a memorandum of John Locke, marked "Carolina," mentioning how Indians "kill servants to [*have them*] wait on them in the other world" (*Ibid.*, iii. § 1429). In the British dominions the process was inverted; the consciences of noblemen were made to wait on his Majesty in this world, and be killed in the other. However, this was not at variance with what usually happens to the high and mighty, of whom the Jesuit General Father Roothaan said, speaking from his own experience, that their liberty of action is like a Capuchin's hood; the higher it goes, the narrower it grows.

<sup>10</sup> *Abridgement of Laws*, p. 99.

<sup>11</sup> *Growth of Popery*, p. 5; quoted in *An Account of the Growth of Knavery*, p. 72; London, 1678.

pretext for settling the New England plantation, then liberty of conscience should be granted to the Church of England there, and penal laws ought to be taken off Churchmen who really did not depend on the Independent congregation of that place. But there was not a sensible man in Massachusetts who did not understand that the pretext for settling the plantation had been liberty of conscience for Independency, not for any dependence except that on themselves. To allow time at present for prosecuting the Popish Plot, the agents were dismissed, but not without a hearty agreement on one important point. Their lordships were minded that Papists should be excepted from the injunction laid on Massachusetts to remove incapacities for reasons of religion. Upon their report, the Privy Council issued an order, which contained a clause henceforth to become classical; that the king expected perfect freedom of conscience to be granted every one "(except Papists)." <sup>1</sup> "Except Papists." Other points in the order were not quite so congenial to Massachusetts; as when it recommended to the Commonwealth's good graces Mr. Edward Randolph, recently appointed Collector of Customs. For such a gentleman, who was an active Collector, Surveyor, and Searcher in all the New England colonies, the thrifty people had no more sympathy than for Papists, whom they themselves actively surveyed and searched. Thus Father John Pierron, a French Jesuit, had just come through Boston on his way from Canadian parts to Maryland. He was disguised. He had several conferences with ministers, who treated him courteously. But "they had no doubt he was a Jesuit, owing to the uncommon learning which he showed; and on this account he was summoned before the Assembly; but he did not appear." <sup>2</sup>

This momentary contact of a Jesuit with the Boston fold affords us an occasion for presenting a diagnosis of the Boston mind at the time. Good people kept reminiscences of this portentous visit. Five or six years later, certain Labadists, who in their first origin had some sort of connection by a cross path with the Society of Jesus, came about reconnoitring the country, till they finally settled at Bohemia Manor, Maryland. By French Catholics in New Jersey they were taken to be Catholic priests; and nothing would satisfy the Catholics in New York but that these Labadists must hear confessions, baptize children, and say Mass; all which functions they had the good sense to decline. Apparently

<sup>1</sup> P. R. O., *Cal.*, v. §§ 912, 996, 1026, 1028; February-June, 1679.

<sup>2</sup> Thwaites, *lix.* 73; Dablon, October 24, 1674, to Pinette.

they did not quite succeed in disabusing the Catholics, or in dis-embarrassing themselves. Then these two Labadists, Dankers and Sluyter, came to Boston. There, instead of the effusive confidence manifested by the New York Catholics, they encountered the shyness of Boston Puritans. Mr. John Taylor, who was a business man selling wine and liquor, unbosomed himself to them. They tell the story thus: "At last it came out. He said, we must please to excuse him if he did not give us admission to his house. He durst not do it, in consequence of there being a certain evil report concerning us. They had been to warn him not to have too much communication with us, if he wished to avoid censure. They said, we certainly were Jesuits, who had come here for no good; for we were quiet and modest, and an entirely different sort of people from themselves; that we could speak several languages, were cunning and subtle of judgment, had come there without carrying on any traffic or any other business, except only to see the place and country; that this seemed fabulous, as it was unusual in these parts. Certainly it could be for no good. . . . There had also, some time ago, a Jesuit arrived there from Canada, who came to him (John Taylor) disguised, in relation to which there was much murmuring, and they wished to punish this Jesuit—not because he was a Jesuit, but because he came in disguise, which is generally bad, and especially for such as are the pests of the world, and are justly feared. . . . Of all this we disabused Mr. Taylor, assuring him we were as great enemies of that brood as any persons could be, and were on the contrary good Protestants or Reformed, born and educated in that faith. . . . We went to see John Taylor, and paid him for the wine and brandy. He seemed to have more confidence in us."<sup>3</sup> The Labadists added later, when they were in Maryland: "It is said, there is not an Indian fort between Canada and Maryland where there is not a Jesuit who teaches and advises the Indians, who begin to listen to them too much."<sup>4</sup>

If there was any convincing force in a certain theory of the times about Puritans and Jesuits, there was a reason of sympathy why Father Pierron should have courted the company of Puritan ministers in Boston. But, if there was any force in the laws of

<sup>3</sup> *Researches*, v. 163, 164; from the *Journal* of Jasper Dankers and Peter Sluyter, October 1, 1679, to July 15, 1680.

<sup>4</sup> *Ibid.*, 164.—The foregoing account of the Boston mind regarding Jesuits shows it in much the same attitude as that of Agrippa towards St. Paul: "In a little thou persuadest me to become a Christian." So Agrippa withdrew (Acts xxvi. 28).—On the Labadists, cf. *J. Hopkins Univ. Studies*, 17th series, vi., B. B. James, "The Labadist Colony in Maryland."

Massachusetts, there was an equally good reason why the Jesuit should promptly disappear.

It was a theory of the age, ever since the beginning of the century, that the Jesuit and the Puritan came nearest together, and were fittest to be coupled.<sup>5</sup> Charles I. had been used to call the Jesuits Puritans, and the Puritans Jesuits; and he hated them equally.<sup>6</sup> They were so far apart, that, like extremes, they met in his mind's eye. At the time we are now speaking of, their fortunes in the English-speaking world had not been very diverse. The good old moderate Puritan, "peaceable and fair-conditioned," and not violently averse to episcopal government,<sup>7</sup> had mounted to the first place, in the time of the Cromwellian Commonwealth. The Jesuit now was understood to be in the palace, and Massachusetts was about to court the smiles of Father Edward Petre.<sup>8</sup> Both paid the price of success; which an apologist for the Puritans explains as follows, and which an apologist for the Jesuits might also explain, adopting the Puritan vindication word for word, with just a change in the subject of attribution:—

"Falsehood constantly affirmed for truth sometimes deceaves, and, when it does not, but is known to be falsehood, yet it forceth to some suspension of judgment, and makes us yeild some way even to that which we beleive not. . . . Now, nothing is so monstrous which is not branded upon Puritans, and noe man is so innocent as to escape that brande. Soe greate allsoe is the audacity of those who lacerate the fames of Puritans, and with soe much confidence doe they vent their obloquies, that they which knowe the falsity thereof, and easily perceive that the same aspersions are more truly due to the authors and rayzers of them, yet they are dazeld and driven to some doubtfull admittance thereof."<sup>9</sup> The apologist goes on to say that, among the classes of anti-Puritans, Papists are naturally such; but "the worst sorte of Antipuritans, and they which ought only to be soe called, are they which bitterly hate and persecute many good men under the name of Puritans, and many good things in those which are Puritans; whose antipathy is to mens persons, as well as opinions; and, in opinions, those which are sound as well as those which are erroneous . . . whom we may accompt

<sup>5</sup> Cf. *History*, I. 120.

<sup>6</sup> *Amer. Hist. Review*, xix. 24, A. O. Meyer, "Charles I. and Rome."

<sup>7</sup> Cf. *History*, I. 196, 197.—*Mass. Hist. Soc. Coll.*, 2nd series, v. 119.—Perry, *Mass.*, p. 50; E. Randolph's account.

<sup>8</sup> Perry, *Ibid.*, 52.

<sup>9</sup> Compare the very same idea expressed by the Jesuit General Aquaviva, in an encyclical to the Society, June 29, 1602, *De recursu ad Deum in tribulationibus et persecutionibus*, § 3 (*Epist. Praep. Gen.*, i. 285).

the chiefest cases [*causes* ?] and procurors of all those mischeifes and plagues which now encumber both church and common wealth, and to be guilty of all those crimes, which falsely they charge uppon Puritans; being therein like Caesars enemys, which therefore only hated him, because they had deserved hatred from him." <sup>10</sup>

But, as fate would have it, this good and moderate kind of Puritan, so described in 1641, gradually disappeared from the earth, after he had founded the colony of Massachusetts in

The old and  
new Puritan.  
Baptism  
discarded.

America, and had cut off the king's head in England. Another apologist of theirs in 1682, explained that " 'twas only some rigid men among them that were so ill-natured, so imperious, and such thorns and goads in their Governours sides." <sup>11</sup> E. Randolph was of opinion that the first settlers of New England had been a "serious good sort of people." But, whereas "the world," says he, "justly condemns the usurped power of the Popish clergy over the laity; yet the priests even in Italy have not a greater ascendant over the people, than the preachers in New England." "They had not been long in the New World before all sorts of people flocked to them, of as different principles as places. . . . Even in the space of little more than one generation, near one half of the people are unbaptized. So that in a few ages, by their Independent practise, paganism will a second time overspread the land; and there will be as much need of evangelizing the English as there is now of the Indians." <sup>12</sup>

The tragic ending of "the old moderate Puritan," if not in Massachusetts, at least in England, was described by a third writer in 1682: "One faction has hither[*to*] so shifted it self into another, that the old Puritan, that was peaceable and fair-conditioned, is quite gone out of the world. He has been long ago lost in the Presbyterian, and the Presbyterian

<sup>10</sup> Brit. Mus. MSS., *Stowe*, 111, ff. 1, 2 (by H. or R. Parker, 1641).

<sup>11</sup> *Apostate Protestant*, p. 49.

<sup>12</sup> Perry, *Mass.*, pp. 48, 50; apparently 1689. Ten years earlier, January 4, 1679, Randolph reported that hardly one child was baptized in Rhode Island, none recently in Maine, few in the other colonies (*P. R. O., Cal.*, v. § 1805, p. 488.—*Cf. Ibid.*, 489, February 11, 1680). Governor Bradstreet of Boston, about the same date, stated that there were some 120 negroes in the colony; and, of five or six blacks born in a year, none were baptized; there were about 120 Scots, originally prisoners of war who had been sold for servants, and about half as many Irish; and of 400 or 500 whites, born one year and another, most were baptized, except those who did not desire it (*Ibid.*, § 1860, pp. 529, 530; May 18, 1680). Father Pierron's experience in New England, Maryland, and Virginia, led him to report that "he found nought but desolation and abomination everywhere among the heretics, who will not even baptize the children, and still less the adults. He met persons thirty and forty years old, and even as many as ten or twelve persons in a single house, who had not received baptism," etc. (*Thwaites, loc. cit.*; *supra*, p. 108).

upon the matter lost in the Independent, and all of them are so lost in the Jesuit, that, if you go to unkennel the fox, 'tis an even lay, whether you hunt a Jesuit or a Whig. What an odd thing is this, that men should turn Jesuits for fear of being Papists!"<sup>13</sup> In Rhode Island, the Rev. Roger Williams, <sup>Roger</sup> Williams who had not reached the last stage of Puritanism lapsing into Jesuitism, poured forth his unction in 1660 on the memory of Oliver Cromwell dead, Gustavus Adolphus dead, and on the head of the powers still alive, the Protestants and Turks, "the 2 great enemies (the sword fish and the thrasher) against the Popish Leviathan."<sup>14</sup> When the Popish Plot of Titus Oates was in full course of development, and the nonconformist minister, Samuel Petto, sent over from England a frightful anti-Jesuitical account as well of the Plot as of "the Popish crue,"<sup>15</sup> Nathaniel Mather, and Increase Mather expressed their most cordial approval of the excellent Dr. Oates, and his very worthy exertions.

<sup>13</sup> *Apostate Protestant*, p. 49. The Jesuit, Father W. Darell, seems to explain the admission, that just a few among the good old Puritans had really been ill-natured and imperious, and thorns in the side of the Government. "The [*Long*] Parliament of [16]41," says he, "was a college of Jesuites; Hugh Peters a Profess'd Father; nay, Fairfax, Waller, and Cromwel, too, had been adopted children of the same Society; but that they wanted the necessary qualifications, disloyalty, rapine, murders, and the tribe of Jesuitical virtues. In [16]66, the Jesuites laid London in ashes" (Darell, *Vindication of Saint Ignatius*, ff. 2<sup>a</sup>, 8). In that age of dissolving views, the genial J. V. Canes, a convert to Catholicism, and a Franciscan, described the desperate fray, "one party getting upon the backs of another, and insulting with a most unseemly outrage over their persons, states and lives: the Protestant [*Anglican*] had got upon the Papist, whom, after he had cuffed, maligned, harrassed all manner of ways for fourscore years and upwards, the Presbyterian leaps upon him, and, that he might enter into both their livelihoods, buffeted them both; he was no sooner up, but the Independent bestrid the Presbyterian, and knocked them all three." Then the eye of the Independent, being set on the foregoing three P's—Papist, Protestant, and Presbyterian—he was on the point of proclaiming them the Pope's triple Crown, to be utterly abolished from the earth, when the third P—the Presbyterian—found himself yet strong enough to dot the I, and "put a period to the Proposition" (Canes, p. 891).

<sup>14</sup> *Mass. Hist. Soc. Coll.*, 3rd series, x. 40; R. Williams, Providence, July 8, 1660, to J. Winthrop. After calm language of this temper, Williams proceeds to indulge his zeal in terms more native and expressive, but not sufficiently inviting to reproduce.—Cf. *Ibid.*, p. 27, same to same, December 6, 1659; where his heart bleeds over the Pope having "brought in his grand engineers the Jesuits againe to Venice, after their long just banishment."

Whether the Rev. Roger Williams had learnt rules of decency when he learnt rules of grammar, we cannot say. But certain it is that, in the course of time, he pronounced against grammar rules, and we may charitably suppose that it was only then he repudiated decency also: "Grammar rules," he wrote, "begin to be esteemed a Tyrannie. I taught two young gentlemen, a Parliament mans sons (as we teach our children English), by words, phrases, and constant talke, etc." (*Ibid.*, 3rd series, x. 4; "July 12, '64 (so call'd)," to J. Winthrop, jun.) In rejecting rules for linguistics, Williams was certainly not Jesuitical. In approving of conversation, he was either Jesuitical or Jansenistic. But, in discarding decency, naturally he was neither one nor other, nor sensible either; for, says the poet—

"A want of modesty is a want of sense."

<sup>15</sup> *Ibid.*, 4th series, viii., *Mather Papers*, *passim*; 345-347, Petto's account, November 21, 1679.

§ 106. If in the expressive terms of Bishop Richard Mountagu the Puritans were "very sibs<sup>1</sup> [*relatives*] unto those Fathers of the Society," it did not follow but that Father Pierron of the Society had good reason for a prompt disappearance when, journeying in disguise through Boston, he was summoned on suspicion to appear before the authorities. What had happened in that colony was instructive as to its own past and future, and the actual status of any Jesuit found there. Governor Bradstreet put the matter gently, when he wrote to the Earl of Sunderland, that, concerning liberty of conscience, a chief design in the Pilgrim Fathers' coming to New England was to enjoy freedom; but he presumed that his Majesty did not mean to have a multitude of notorious errors, heresies, and blasphemies broached among them, as by Quakers, etc.<sup>2</sup>

The good old Puritans had scarcely established themselves in the land of freedom, under the "wonder-working Providence of The Code of Sion's Saviour," when they established a Code of Liberties. After "A Declaration of the Liberties the Lord Jesus hath given to the Churches," they explained "with one consent," that the said Liberties were laws; and no authority should "fail to inflict condigne and proportionate punishments upon every man impartiallie, that shall infringe or violate any of them." As it was "one chief object of the ould deluder Satan to keep men from the knowledge of the Scriptures," they made it quite clear that he had not succeeded with them. Eleven "Capitall Lawes" were panoplied with Scripture; a twelfth looked rather bare without it. All twelve inflicted capital punishment under fifteen heads.

The lay authority had complete control, both civilly and ecclesiastically; though a fine distinction was added, not subject to any gross difference—"so," said the Code, "it be done in a civill, and not in an ecclesiasticall way." For "civill authoritie hath power and libertie to see the peace, ordinances and rules of Christ observed in every church according to his word." The lay arm was the one "*custos utriusque tabulae*," in which plain statement neither difference nor distinction survived. The warrant of its activity in guarding "both tables" of the law was this: "All men are so wedded to their own apprehensions that, unless there be a coercive power to restrain, the order and rule of the Gospel will never be observed." For fear it should be thought that this implied a coercive power vested in an ecclesiastical authority, it was expressly said: "Disorders

<sup>1</sup> "Sib," a word still extant in "gossip," godfather or godmother at baptism.

<sup>2</sup> P. R. O., *Cal.*, v. § 1388; June 12, 1680.

and confusion in the church will not be avoided by the advice and counsel and determination of synods, or other messengers of the churches, unless they be a little actuated by the civil authority." Here a casual observer might be inclined to criticize the assumption that the civil authority itself never went astray, even when not actuated by the infallibility of Rome; or that it needed no actuation by the Church, to make it mind its civil ways, and do what was morally right. But that was not the assumption underlying the policy; which meant simply that there was no Church. The civil conscience, gathered in assembly, had supplanted it; just as the individual conscience, not assembled in any known gathering, supplants it to-day.<sup>3</sup> It was all pure secularism, alternately in church clothes and in lay dress. Neither the assumption nor the policy was an invention of New England. Both had been brought over from the continental Calvinists to old England, with a double formula expressing them neatly; one, that every man's religion was the choice of his prince's whim, *Cujus regio ejus religio*; the other, that the obedience due to the lay prince was identical religiously with what it was civilly: *Uni et univoce*.<sup>4</sup>

At Salem, the most respectable, as being the most ancient town of old Massachusetts, a law was published in 1647 "against the Jesuits, who were held up in Europe as the terror of the whole Protestant world." A modern chronicler continues: "We hear nothing of their visits to Salem. But the alarm was favourable to the union of the people, and greatly quieted their divisions." The end was fair; and the law justified. This law of "the English Plantation in the Massachusetts Bay, commonly call'd New England," enacted that no Jesuit, seminary priest, or ecclesiastical person, ordained by the authority of the Pope or See of Rome, shall be suffered to come into or abide in this

The Salem  
law against  
Jesuits, 1647.

<sup>3</sup> Cf. *Amer. Hist. Review*, xix. 11, A. J. Carlyle, "Medieval Political Theory"; how "the [Protestant] Church itself realized that the independence of the spiritual life transcends the authority of even the religious society."

<sup>4</sup> Cf. *History*, I. 352, 353, on Erastianism.—Duhr, ii. part 2, 323, 324.—*Mass. Hist. Soc. Coll.*, 1st series, x. 24, 29. *Ibid.*, 3rd series, viii. 214, 226-236, Code of Liberties. 1641. *Ibid.*, 2nd series, iv. 112-114.—Compare *History*, I. 181, where G. L. L. Davis puts in evidence the independence of the Church and of conscience, however much he obscures the idea of what the universal Church is. O. E. Brownson, reviewing Davis, distinguishes well between one and other sort of independence, according as it means liberty of action for the Church, or merely a stolid indifference to religion in the powers that be. Religious indifference neither connotes nor guarantees religious liberty for others (*Amer. Quart. Review*, N. Y. series, i. 252-267). Elsewhere (*Ibid.*, 306, "The Church and the Republic"), Brownson uses a quotation which illustrates the subject—

"Who steal the livery of the court of heaven  
To serve the devil in."



jurisdiction. Any person falling under suspicion of being such a character had to clear himself before a magistrate; and, if he failed, was to be imprisoned, or bound over to the next Court of Assistants, who should proceed against him by banishment, or otherwise, as they saw cause. If any such person, after banishment, were found again within the jurisdiction, he should, on due conviction, be put to death. Provisoes excepted cases when Catholic priests or ecclesiastics were landed on the soil by accident, shipwreck, or the occasion of diplomatic visits; but the dangerous characters so excepted should behave themselves inoffensively during their stay.<sup>5</sup> Massachusetts was clearly a garden enclosed.

Finally, amid the profusion of its products, we cull just one as a specimen of liberty, appealing not to peace, but to force. It is from a work ascribed to Captain Edward Johnson, entitled, "*Wonder-working Providence of Sions Saviour, being a Relation of the firste planting in New England in the yeere 1628.*" It was published in the heyday of Cromwell's saints, glories, and massacres (1654). The civil Government, wrote the fanatic, must "never make league with any of these 7 sectaries": 1. Gortonists; 2<sup>th</sup> Papists, who with (almost) equal blasphemy and pride prefer their own merits and workes of supere rogation as equal with Christs unvaluable death and sufferings"; 3. the Familist; 4. Seekers; 5. Antinomians; 6. "Anabaptists, who deny Civill Government to be proved of Christ"; 7. Prelacy (Anglicanism).<sup>6</sup>

Sion's sword  
against  
Papists and  
Protestants.

Some time afterwards, the charter of Massachusetts and its

<sup>5</sup> Cf. *infra*, p. 189; Bellomont's anti-Jesuit law of 1700.

<sup>6</sup> *Abridgement of Laws*, p. 54.—*Mass. Hist. Soc. Coll.*, 1st series, vi. 257. *Ibid.*, 2nd series, ii. 49, 58.—*Researches*, xix. 82, 83, text of the Salem law against Jesuits.

As to the Papist assumption just mentioned, which gave scandal to the Calvinist, that personal merit or demerit had something to do with moral standing, a commentary is furnished in the Massachusetts laws, which seemed to acknowledge that personal merit or demerit had something to do with a man's standing or falling. On the master of the houses of correction a law enjoined, that "every delinquent" committed to his custody he should "cause to be whipped at their entrance, not exceeding ten stripes." After clear conviction, a delinquent "may be tortured" to make him reveal confederates; "but not with such tortures as are barbarous and inhumane" (*Abridgement of Laws*, pp. 83, 85).

As to some of the sects just named in the text, compare Lingard's note, for the period about 1646: "Under the general name of Independents I include, for convenience, all the different sects enumerated at the time by Edwards in his *Gangraena*; Independents, Brownists, Millenarists, Antinomians, Anabaptists, Arminians, Libertines, Familists, Enthusiasts, Seekers, Perfectists, Socinians, Arianists, Anti-Trinitarians, Anti-Scripturists, and Sceptics (Neal's *Puritans*, ii. 251). I observe that some of them maintained that toleration was due even to Catholics. Baillie repeatedly notices it with feelings of horror (ii. 17, 18, 48, 61)" (Lingard, viii. 78). This was a long time ago. In October, 1918, the Bishop of Jarrow, at the Southampton (Protestant) Church Congress, gave expression to "the growing sense of disgrace at the contemplation of our divisions."

liberties were in a perilous plight. King James II. was on the throne; and the Independent colony was being brought to order, by means which were at least technically legal. But then the king being a Catholic, and because he was a Catholic, published a general Declaration of Indulgence (April 7, 1687). There was now toleration for every one. Forth-  
The Declaration of Indulgence, 1687.

with Anabaptists, Presbyterians, Congregationalists, in and about London, loyal citizens of Westminster, the Anglican Bishops of Durham, Chester, and St. David's, divers boroughs, cities, and towns in Great Britain, the Quakers of Pennsylvania, the Anglicans of Virginia, all joined in a chorus, praising the liberality of the king; and, during eighteen months, the addresses continued to be published in the official *Gazette*, till the king fell from his throne as the last solution of a crisis. It was the Declaration of Indulgence itself which had opened the issue, by its original sin of setting Catholics free among others.

The Rev. Cotton Mather has recorded, that the Protestant dissenters had abundant reason to be thankful for the Declaration of James II., "in as much as it brought them out of their graves. . . . Be sure the New English Protestants found the benefit of the Declaration, for it rescued the maligned churches of New England out of a devourer's talons, when he was on the point of making many violent invasions upon them." The Declaration having been published, Increase Mather, at Boston, interested himself in the proposal to address and thank the king. But Thomas Danforth, of Cambridge, sometime deputy governor and the leading politician of the day, sounded a note of warning, which was not wanting in a fine distinction, and the draft of a mental reservation. They should thank the king for the proclamation, but not for what the proclamation contained—"a generall tolleration. There will be no need of touching upon it in the least," he wrote to the Rev. Increase Mather; "and I am assured many dangerous rocks will be shunned thereby. For my own part, I do more dread the consequences thereof, than the execution of those pænall lawes (the only wall against Popery), that are now desired to be cashired." To his own pastor, the Rev. Daniel Gookin, Danforth had explained his distinction clearly: "I told him I did highly distinguish between being thankfull for our libertyes [*by the proclamation*] and for the Proclamation." And he enlarged with scriptural profanity on Christ and Anti-Christ, who could never be reconciled. "Amen, Amen. Come, Lord Jesus, come quickly."

Discriminating gratitude of Independents.

Accordingly, Increase Mather was sent to London; and he presented divers addresses from New England, thanking the king for the toleration of their own religion and for the security of their own property. Thus righteousness and revenue were both safe. Righteousness did still ache, because the revenue of the Papists was also safe. But in less than two years that wound was salved; because with the accession of William III., righteousness was free to rise supreme over such temporal considerations as the revenue, liberty, and rights of Papists. So was Thomas Danforth's view justified, which we record in his own words, if only to emphasize his profanity by omitting it: "The promise is that the Kings of the earth—God will put it into their hearts to hate the . . . [*Catholic Church*], and to burn her with fire. Amen. Amen."<sup>7</sup>

§ 107. We have seen both extremities of the English colonies, a West Indian island like Barbados, where morality was free and easy, and New England where it was supposed to be prime. In both were witnessed phenomena hitherto unknown in the history of Catholic Christendom—people drummed and drilled to church, fined and harassed, made respectable sabbatarians among the free livers of the south, no less than among the Protestant Jansenists of the north. As long as there was any opportunism in keeping still the clothes of religion, there were ways and means for keeping the clothes on; when there was no opportunity to serve, the garb fell off. What Gairdner calls "the biblical superstition of the Puritans" came to flaunt only its shreds of anti-Popery; while plain utility, comfort and a "civilian" morality, waxed robust and bare in what Matthew Arnold calls Saxon Philistinism. A large part of the globe was gradually taken over for the expansion of a New Jerusalem; and "Hell or Connaught" remained by law the dowry of religion.<sup>1</sup>

Novel  
religious  
phenomena.  
Opportunism.

The proprietary of Maryland, Cecil Lord Baltimore, died

<sup>7</sup> *Mass. Hist. Soc. Coll.*, 4th series, viii. 507, 508, T. Danforth, Cambridge, "8. 9. 87," to Increase Mather, Boston. *Ibid.*, 6th series, i. 52-60.—P. R. O., *Col. Papers*, 55; the *London Gazette*, December 1-5, 1687, addresses to the king from New England, from Hertford, etc.

<sup>1</sup> "Opportunism," a new word to designate the policy of serving temporal occasions, and leaving eternal principles to shift for themselves, is expressed to the very letter of the idea in St. Matthew xiii. 21: "He hath not any root in himself, but is for the opportunity, ἀλλὰ πρόσκαιρός ἐστιν, and, when tribulation or persecution ariseth because of the Word, he forthwith stumbleth." A limited and genuine opportunism was that of Jonathan's, who did not serve the occasion, but took the occasion which served him: "Jonathan saw that the occasion served him, ὅτι ὁ καιρός αὐτῷ συνέργει" (1. Maccabees xii. 1). The former morality makes things the measure of man. The latter leaves man the measure of things.

November 30, 1675. Charles, third of the Baltimore line, had to face the storm which was gathering at the time from more quarters than one. The death of Cecil seems to have given the signal of reveille for adventurers, who had been dormant. These were both ecclesiastical and political. It is noteworthy, how often the men were new-comers who broke the even surface of colonial life. The ecclesiastic, John Yeo, who now New-comers  
in the  
colonies. started a policy eventually successful, appears to have been a new-comer. The politician, who at the same time sent a "Complaint from heaven, with a hue and crye and a petition out of Virginia and Maryland," was evidently a new-comer, who had risked his life by crossing the ocean, as a servant at some one else's expense.<sup>2</sup> Squire Bacon, who at the same time was carrying out his best intentions of taking over the government of Virginia, was also a new-comer, agitating with others of the same kind.<sup>3</sup> The Puritans, who had twice reconstructed Maryland for Cecil Lord Baltimore, had all been new-comers in that plantation. Most of them, having nothing to live on, seem to have considered that their poverty, and the consecration of their lives to the service of their own prosperity, was a pledge given to fortune, and conferred on them a valid title to the fruits of other people's prosperity.<sup>4</sup>

The Rev. John Yeo, stationed on the Patuxent, addressed the Archbishop of Canterbury, who referred his expostulation to Compton, Bishop of London. The substance of the complaint was An Anglican's  
complaint. that there were 20,000 souls in the province, with only three Protestant ministers properly ordained; that Popish priests and Jesuits were provided for; that Quaker preachers or speakers were provided for; but that, with all the 20,000 people in the colony, only three Anglican ministers seemed to be able to live. Yeo contended that, if a maintenance were provided, as in Virginia, Barbados, and all other his Majesty's plantations, able men would be encouraged to come and confute the gainsayer. The plea, as he put it, seemed to be that of poverty contending with adversity. The writer enlarged on the deplorable state of morality in the place. But he did not explain how three Jesuit priests and two lay brothers managed to live; which must have been the more difficult for them if, as the Bishop of London averred at the Council board, those of the Roman belief, "('tis conjectured), doe not amount to above one in an

<sup>2</sup> Cf. *infra*, pp. 125, 126.

<sup>3</sup> P. R. O., *Cal.*, v. § 438.

<sup>4</sup> "*Entrer dans le fromage*," as they say at present of the French official liquidators, who have entered into the property of the religious congregations.

hundred of the people." Nor did Yeo state why Quaker preachers were thought worthy of maintenance by their conventicles. But he did make it plain, that among the 20,000 people no one thought any more Anglican ministers worthy of maintenance, unless a law was manœuvred and a tax imposed for the relief of that mendicant order, which took no vow of poverty.<sup>5</sup>

Compton, Bishop of London, an ardent and zealous man, who obtained what his successors did not thank him for, the exercise of jurisdiction over the colonies, entered heartily into Yeo's plan. The best part of his representation to the Board of Trade was perhaps that in which he poured merited scorn on an opprobrious circumstance; "the ministers," he said, "which ought to be admitted for life, are oftentimes hired (as they term it) by the yeare, and sometimes by the sermon." Nor was their fare paid from England to America. Except in Virginia, no care was taken "for the passage and other accommodations of such ministers as are sent over." Of course, marriages in the province ought to be performed only by these unexceptionable functionaries. All the particulars of the bishop's representation were endorsed by their lordships at the Board who then, in a series of orders, proceeded to exercise their jurisdiction with somewhat of an episcopal or papal amplitude.

But Charles Lord Baltimore in several papers presented the state of affairs under a somewhat different aspect; and the Board relaxed considerably in its exactions. Certain political and economic considerations came into evidence; and, whenever economical motives were applied, the Lords of Trade, like good tradesmen, were generally amenable to reason. We find in this and analogous branches of the home government that sometimes economics defeated the Anglican religion itself. So, for instance, when Dr. Blair, of Virginia, brought to Mr. Edward Seymour, Lord of the Treasury (1693), a royal order to issue a charter for the College of William and Mary, this Treasury lord did not like the terms of the charter; for a war was being waged, and there were no funds to spare. Blair explained that the purpose was to educate ministers; and Virginians had souls to save as well as their English countrymen. Seymour replied with a profane imprecation on all their souls, and told him to go and plant tobacco.<sup>6</sup>

<sup>5</sup> Nor observed celibacy. The "Old Catholic" chief, Ignatius von Dollinger, after he himself had fallen off from the Catholic Church, said of even a priest married (the fallen-off Hyacinthe Loyson), that such a one ranked thenceforth with mere workers for a living: *rangiert dann mit den Gewerbetreibenden*.

<sup>6</sup> *J. Hopkins Univ. Stud.*, 19th series, x. 29: "To which Seymour replied: 'Souls! D—n your souls! Make tobacco!'"

So Lord Baltimore represented that toleration and liberty of conscience had been the normal condition of the Maryland colony; that three-fourths of the population were Presbyterians, Independents, Anabaptists, and Quakers, the rest being of the Church of England and Romish Church; that four ministers of the Church of England were provided with plantations, and the others were maintained by voluntary contributions of their own persuasion, just like the ministers of other denominations; that this mutual toleration, which imposed neither penalties nor payments on behalf of alien creeds, was the same as in Carolina, New Jersey, and Rhode Island. He insisted that the province had been settled, and had reached its present degree of prosperity, only in consequence of such mutual forbearance.

This account of antecedents given by Lord Baltimore in 1678 was so accurate that, when he had been displaced under William III., the same facts were reaffirmed in similar terms by the council of Maryland. Campaigning in 1698 for an Anglican establishment at the expense of Catholics and everybody, they explained to the Lords of Trade that Maryland had been "under the government and command of the Right Honourable the Lord Baltimore, a professed Roman Catholick, as also were the greatest part of his council; and who, though they showed outwards civility and respects to the Protestants and Protestant clergy, yet would never consent to any establishment by law." The council insisted on the dreadful consequences, if the government of Maryland were restored to the proprietary, Lord Baltimore. Again, two years later in 1700, the pious council represented plaintively that, if the Catholics and Quakers succeeded in keeping off the yoke of imposition and extortion from their necks, there would be no more of an establishment "under his Majestys government than was under the Lord Baltimore, who was a Papist; and (as they say) see it was liberty of conscience to all, without publick countenance to any."<sup>7</sup>

§ 108. Two matters, which Lord Baltimore explained, merit

<sup>7</sup> The members of this council were, for 1698: Thomas Tench, John Addison, Hen: Jowles, Chan[cellor] John Courts, Tho: Brooke; for 1700, three of them the same, Tho. Tasker and Jo<sup>r</sup> Hammond in place of Tench and Courts.

P. R. O., *Cal.*, iv. § 1005, May 25, 1676, Yeo to Archbishop of Canterbury. *Ibid.*, v. §§ 337-339, 348, 349, July 17-19, 1677, proceedings at the Bd. Tr. on the Anglican Church. *Ibid.*, § 638, March 26, 1678, Baltimore's representation.—P. R. O., *Col. Entry-Book*, 52, pp. 26, 42-44, *ditto*.—*Ibid.*, *Col. Papers*, 37, No. 88, "Gilb: Cant:" August 2, 1676, to the Bishop of London.—*Ibid.*, *B. T., Md.*, 8, f. 887, "Rec<sup>d</sup>," from the secretary of the province, Sir Thomas Lawrence, July 21, 1698; *Ibid.*, 4, D. 84, July, 1700: letters of the Md. council.—Brodhead, iii. 253, Compton's memorial on abuses, July 17 (1677).—*Of. Scharf*, i. 283.

particular attention. One concerned the baptizing of negroes. The other, touching on certain local conditions, disclosed some reasons for the backwardness of the colony in point of education, and moreover of material prosperity in later times.

He said: "Whereas in many other parts of America they refuse (out of covetousness) to permit their negroes and mulattos to be baptized, out of an opinion that baptism is a manumission from their services—and consequently the same thing, as to the damage of the masters and owners, as if their said servants were actually dead—and this opinion beginning to take place in this province, a law was made to encourage the baptizing of them; by which it was and is declared that, as in former times the baptizing of villaines in England was not taken by the law of England to be a manumission on [*or*?] enfranchising of the villaines, so neither shall it be in this province as to negroes or mulattoes.<sup>1</sup> And there have been found good effects from this law; all masters generally, since the making of this law, haveing been willing to instruct those kind of servants in the faith of Christ, and to bring them to desire and receive baptism."

The trouble concerning the baptism of negroes was, it would seem, chiefly caused by the economical consideration, which Lord Baltimore adduced; that masters were conceived to lose their property in slaves by an automatic process, if the negroes gained the franchise of Christian baptismal grace. Slaves cost not a little. At this time, the Royal African Company had still the monopoly of purveying live flesh for American markets. It charged high for the commodity, however little it cared to husband its freight with charity and mercy, while transporting it from African shores. In a Jamaica case, the company justified its tariff of high prices by representing to the Board of Trade that the negroes cost them at first price £5; the carriage came to £4 15s.; there was a loss of 25 per cent. by mortality among the captives before delivery in the market; and there was, moreover, the outlay of £25,000 a year for maintaining ports in the pursuit of their business.<sup>2</sup> Considering how small the ships were in that age, we can readily understand that 320 blacks in the *Henry Munday* straight from Africa, or 396 negroes huddled into the hold of a single slaver "directly from Guiny," as Governor Nicholson mentioned (1698), might exhibit a bill of mortality to any amount.<sup>3</sup> Had they been

<sup>1</sup> Cf. Brackett, pp. 28, 29, on the Maryland laws of 1664, 1670, 1692, 1715.

<sup>2</sup> P. R. O., *Cal.*, v. § 1674; November 4, 1690.

<sup>3</sup> *Md. Hist. Magazine*, ii. 165, 166; importations to Maryland, 1698–1708. In

mules, they might have been allowed elbow-room and fresh air; though, if mules had been as precious as men, they too would have been crammed like the negroes into every hole and corner. The Instructions of the Crown to governors were very explicit, on giving all encouragement to merchants and others, and particularly to the Royal African Company of England. Special heads of the Instructions commanded that the door of the colonies should always be kept open for the droves of slaves, no less than for those of felons; acts were not to be passed laying duties on felons or slaves imported.<sup>4</sup>

Rigorous were the trade and navigation acts, based on a policy, which the House of Commons magnificently formulated for George III. (1770) as "every principle of commercial subserviency to the interest of the mother country, that ought to prevail in the colonies."<sup>5</sup> Still, the rigour was relaxed in favour of those people who would spend their energies on the laudable object of gathering in slaves. It was William III. who accorded this indulgence to private enterprise, allowing it freely to compete with the Royal African Company. In the ninth year of his reign, "An Act to settle the Trade to Africa" rehearsed the high motives and set forth the premiums: "Whereas the trade to Africa is highly beneficial and advantageous to this kingdom, and to the plantations and colonies thereunto belonging," therefore, like the African Company, any of the king's subjects, as well as the Company, may trade to Africa between Cape Mount and the Cape of Good Hope, paying £10 per cent. In the duties to be paid on goods, the clause was constantly thrown in: "negroes excepted."<sup>6</sup>

But there was no need of spending words on the encouragement of private initiative in the slave trade. The spirit of enterprise was unexceptionable. The Royal African Company seems to have kept no footing in the colony of New York. Between 1701 and 1726, private traders imported from

Vastness of  
the American  
slave system.

the African continent direct 822 slaves, and indirectly through the the ten years, 1699-1708, the province being a Crown colony at the time, 2312 negroes were imported direct from Africa. The total importation into the colonies during those years was probably 25,000 slaves annually. When Spain made the Assiento treaty with England (1713), ceding a monopoly of the Spanish colonial slave trade for thirty years, one-third or one-half of the human booty (15,000 annually) went to the Spanish colonies. (Du Bois, pp. 8, 5.)

<sup>4</sup> Instructions for Barbados, article, § 82; Leeward Islands, § 92; Jamaica, §§ 83-85; Bahama, § 73; North Carolina, § 105; Virginia, § 109 (Brit. Mus. MSS., Add. 80,872, "Abstract of the Commissions," etc.—*Of. History*, I. 266, note 12).

<sup>5</sup> Hazard, iv. 357.

<sup>6</sup> 9 Gul. III., c. 26. This reiterated clause was the analogue of that other one, occurring in so many acts: "Papists excepted"—if indeed they did not come at times into strict co-ordination, like homologues: "negroes and Papists." Maryland became conspicuous for this combination.—*Of. infra*, pp. 162, 479, note 5.



West Indies, 1573; making in that single colony, for a period of 25 years, a total accession of 2395 slaves, thanks to private enterprise alone.<sup>7</sup> The New England slavers knew their business so well that they wasted no room on dead weights of ballast, to bridge over gaps in their perpetual rounds of seafaring. From Massachusetts, Rhode Island, and Connecticut they described a circle, unintermittently lucrative; and the flesh and blood of negroes made one arc in their merry-go-round of money-making. Starting out from New England they carried their highly prized rum to Africa. They captured negroes with rum, and they unloaded the rum-bought captives in South Carolina, or the West Indies, or other colonies. They took away thence to New England naval stores, hogsheads or molasses. The imported molasses manufactured into New England rum, and shipped in the imported hogsheads, floated the venture again for another round to Africa, to the slave-holding colonies, and back home. Man's flesh was the "strength and sinews" of the cruise; and the colonies declared that the slave-trade supplied "the strength and sinews of this western world." Massachusetts alone distilled annually 15,000 hogsheads of molasses into first-class rum, which was the "chief manufacture" of that colony. This went to baiting the snare for catching more live flesh, and realizing the stock in other colonies.<sup>8</sup> English ships of Liverpool and Bristol were active in the slave trade. And so it came to pass that, towards the middle of the eighteenth century (1743), at a moment when 1421 English ships were engaged in American trade, and there were 1584 colonial ships besides, of which 1260 belonged to the New England colonies, this particular traffic which landed in America such poor blacks as survived the filth and fevers of the ships' holds, could claim the credit of having set up the live show, visible all around: 231,000 negroes serving in the British West Indian sugar islands, worth at £20 sterling a head £4,620,000; and 150,000 more blacks, worth at the same rate £3,000,000, serving on "the Main of America, Bermuda, and Providence."<sup>9</sup>

<sup>7</sup> Brodhead, v. 814.—*Cf. ibid.*, 186, Queen Anne's Instructions, 1709, to Robert Hunter, Governor of New York; § 82, ordering a half-yearly return of the number of slaves imported into the province, "that is, what number by the African Company, and what by separate traders, and at what rates sold." Ten sections precede, §§ 68-77, on the furtherance of religious piety. Then, after luculent provisions in §§ 79-82 for promoting the slave-trade, the usual cant follows on common mercy; § 89, against inhumanity towards Christian servants, slaves and Indians; § 90, on behalf of converting negroes and Indians "to the Christian religion," more especially by means of ministers to be maintained "amongst the Five Nations of Indians, in order to instruct them, and also to prevent their being seduced from their allegiance to us by French priests and Jesuits." Small hope of that, except by means of rum!

<sup>8</sup> Du Bois, pp. 3, 4, 27, 29.

<sup>9</sup> P. R. O., *Plantations General*, 603, ff. 203<sup>v</sup>, 204<sup>v</sup>; Dinwiddie's report, August.

All this had a direct bearing on the question of baptism and Christianity. The planter's necessities, his vested rights of property, and the political contingencies which he feared from such a vast alien population of injured people, made him as sensitive to his own vital interests as he was insensible to every other; probably not steeled to hate, because he utterly despised the man in the negro, whose labour he prized. In Barbados, for instance, where the "negro or slave" undergoing punishment might be snuffed out of existence by the master, and no account be demanded for homicide,<sup>10</sup> the idea of baptizing the blacks was simply not entertained. About the same time when Lord Baltimore was making his statements, gentlemen merchants of Barbados rebutted the claims which the Board of Trade advanced, on behalf of admitting negroes and other slaves to the Christian religion. They stated that such conversion would destroy their property and endanger the island; that converted negroes were more perverse and intractable than others, and became less valuable for labour and sale; that the injury would affect the African Company also; that there was a very great disproportion of blacks to whites; and, in any case, the negroes would rather hang themselves or run away than learn anything, and of course would never learn the Christian religion.—There may have been substance in this last reason, if Christianity was identified in the negroes' brains with the tenets and morality of their masters.—In view of the injury or danger to property, the Lords of Trade politely left the whole matter to the tender mercies of the governor, council, and assembly of Barbados. And, passing to an easier question, that of ministers' salaries, they received perfect satisfaction; for every minister in Barbados had actually £100 per annum in sugar, and one received £300.<sup>11</sup> But, given the premises which we have just rehearsed, it is clear that not a minister had anything to do with the "disproportionately" large black population, whatever they may have had to do with the souls of the rare white gentry. Here occurs one of the usual contrasts. In the French West Indian islands, not only were the negroes included in the Christian dispensation of spiritual grace, but the Jesuits are specially noted as "having the charge of the negroes and others."<sup>12</sup>

1748.—Cf. *New Jersey Archives*, vi. 90.—Dinwiddie gives the total number of fighting men in the British colonies for the same time: 222,700 (*Ibid.*, f. 200r).

<sup>10</sup> *Abridgement of Laws*, p. 248.

<sup>11</sup> P. R. O., *Cal.*, v. § 1535; October 8, 1680.—Cf. *Ibid.*, § 1528.

<sup>12</sup> *Prop., Acta*, February 6, 1713, 16°. The secretary is reporting an opinion of the

At this time (1677), the first case came up in the English courts concerning the right of property in slaves. The question of baptism and enfranchisement entered into the decision of the court; that negroes were mere goods, by force of usage, "until they become Christians, and thereby they are enfranchised."<sup>13</sup> This was slashing the very nerve of the question, and not at all equitably. For as, in a place which we quoted before,<sup>14</sup> Dr. Francis Silvius showed from common sense and the opinions of great Christian Doctors that, in the case of Indian land, the title to ownership came not from Christian faith, but from natural right; and that therefore Indians were legitimate possessors of lands which they occupied; so here, in a converse sense, as it was not Christian faith but natural right which governed the use of a negro's labour, the introduction of faith by baptism on one side or the other was totally irrelevant, and could not dispossess the master, if he had any right to the negro's labour. This principle, however, of enfranchisement, as if a necessary consequence of baptism, we shall see applied by the Spanish Governor of Porto Rico, in the case of runaway slaves, to the disgust and damage of the English Leeward Islands (1753).<sup>15</sup> But we shall also find that,

Conflicting  
principles in  
law and  
practice.

Jesuit General, Tamburini, who, speaking of Guadeloupe, remarks that the Carmelites there "serve the whites, that is Europeans, as parish priests, and the Jesuits have care of the negroes and others in the said island, *ed i Gesuiti anno cura de' negri et altri nell' istessa isola.*" This is analogous to the condition of things in Quebec, as we mention elsewhere; when Frontenac complained that he could not bring the Jesuits to charge themselves with the parishes, the reason alleged by the Fathers being that Indians were the field of Jesuit missionary operations.—Cf. *infra*, 352.

The observation about the Carmelites had reference to a question submitted by the Propaganda for the opinions of the Dominican, Capuchin, and Jesuit Generals, whether the Carmelites, as they petitioned, should have in the West Indies a prefecture apostolic of their own. The Jesuit General stating that the whites in Guadeloupe were actually the only charge of the Carmelites, the Congregation required that, in the grant of a Carmelite prefecture, "the places should be expressed," where the Carmelites were working, "*per non mischiare,*" as the secretary reported Father Tamburini's opinion—"not to mix up" things and jurisdictions.

<sup>13</sup> Brackett, p. 28.

<sup>14</sup> History, I. 571.

<sup>15</sup> *Infra*, p. 427, note 8. Had Remires, the Governor of Porto Rico, proceeded on a juridical principle, which ruled in England after Mansfield's time, there would have been nothing to say against his action. The principle was, that slavery was a mere municipal institution, and that therefore, when slaves were out of the territory and beyond the control of their masters, they were, by the general law of nature, in a state of freedom. Hence, on this ground, slavery ranked, as Judge Story puts it, in the same class of provisions or conditions as heresy, excommunication, Popish recusancy, infamy, and other legal disabilities which are not enforced in any other country outside of that in which they originate (see Anstey, p. 172). Manifestly, this is the case with the penal disability of exile. A person exiled out of his country is clearly within his right, when he breathes the air freely in another country. However, such is the perspicacity of psychological blindness, that a case may be observed here on a subsequent page, where a "Protestant Englishman," who "hated persecution," disputed the right of Papists extruded from England to breathe God's air anywhere (see *infra*, p. 198, ad note 9). The natural rights of slaves have been similarly disputed.—For priests' attitude towards slaves, see *infra*, § 229.

about the very same time, quite a contradictory policy was followed by a French Governor of Quebec, who, setting free the English prisoners by way of exchange, declined to deliver a negro on the ground that a negro is "a slave, wherever he be," or, as he stated in other terms, "all negroes being slaves, in whatever country they reside." He took this stand on the ground that an English ship of war had set him the precedent (1750).<sup>16</sup>

The truth of the whole matter was that, apart from the consideration and honour which might be paid to the Sacrament of Baptism in the spontaneous manumission of a converted slave by a liberal owner, religion had nothing to do with the question of marketing labour, of keeping it or releasing it when due from a negro, any more than religion had to do with the sale of labour by a white journeyman, or the purchase of an indenture for a white apprentice. Labour can always be bought and sold. Whatever the wrong or right in the purveying of slaves, the right to a slave's labour, vested in his master, did alone govern the right of the latter to use it or to dispose of it. The accession of Christianity to the slave's spiritual condition invested no one else with the power to dispossess the owner—which clamour of dispossessing other people was always an inexpensive business, could be made a profitable one, and had no necessary connection with religion or charity, whatever was the flag it flew.

<sup>16</sup> *Infra*, p. 427, note 8.—With this notion agrees somewhat a case, which we have observed about the time of Clarke, Governor of New York (P. R. O., N. Y., 9; 1740). Some Spanish ship or other, having been wrecked or taken near New York or Boston, certain blacks aboard, who claimed to be free, were sold as slaves, because the presumption was against them; as if the presumption in such a natural right as liberty were based on a man's being white or black, and not on his being a man.

As to the action of Governor Dongan and his council (1683-1688) in setting free divers batches of Spanish Indians who were detained as slaves in New York, it seems to have been mere reparation for the abuses of English buccaneers, who had snatched up various "Spaniards and free people," "Christian Indiyans and children of Christian parents," and sold them as commodities in the province. But here too we have Dongan always speaking of Christians; and he applies the test, whether they "can give an account of their Christian faith, and say the Lord's Prayer." The council orders all such to "be forthwith sett at liberty, and sent home at the first conveniency; and likewise them that shall hereafter come to the province" (*Rec. and Studies*, iii. 213-216). The state of the case and the limitation in the delivery show that Dongan's policy is not to be confounded with Abolitionism, as the compiler of the documents has imagined in the place just quoted.

Rather, we may give Dongan the credit of being equal in public spirit to Governor George Thomas of the Leeward Islands, who, at a much later date, said to the Lords of Trade, about certain English pirates on the Spanish Main: "Everything in my power shall be done to bring the criminals to publick justice, and to give satisfaction to the Spaniards." So the lot were hanged: "Charles White, Elias Atkins, Nathan otherwise Nathaniel Flinn, Michael McCarroll, and Thomas Cole." That amount of what negroes would call "white trash" was cleared out of creation. They had robbed a Spanish vessel. (P. R. O., B. T., *Leeward Islands*, Cc. 10, 19; August, October, 1757).—For the haunts of buccaneers, cf. Shepherd, map 128, inset.

Thus, when the Massachusetts slave-carrying business was practically extinct after the Revolutionary War, an act was passed by that State in 1788, imposing a fine of £50 for every African native taken aboard ship as a slave, and £200 on ship owners for every vessel engaged in the slave trade. Now, this having been the very business of Massachusetts itself, using the New England ports as a free exchange mart, the change of face towards the old business might seem to be a change of policy towards the negro race. It was nothing of the kind. The 4371 Massachusetts slaves, two years before the act of 1788, mounted to 6001 two years after the act. All other negroes, in whom there was no money interest involved, were treated by the act in this wise: All negroes, not citizens of any State in the Union, but resident here, are required to depart within two months, or be apprehended, whipped, and ordered to depart; and the process and punishment are to be renewed every two months. The one change introduced was that money which had been made by trading in slaves was now made by skimming fines off the trade, and, as Judge James Winthrop remarked, at the expense of the whole world within reach. The negroes, with what Massachusetts had called their "spurious and mixt issue," were whipped off the territory, if the true bloods of the State had no money invested in them. So the ethnological and financial bills alike were kept as neat and clean as the avenues; and Abolitionism suffered not a blotch from philanthropy, mercy, or religion.<sup>17</sup>

As to baptism, if that were made a determining factor in the question of liberty or slavery, then half of the whites in the colonies should have been made slaves, for half, at least in the northern parts, would appear to have been unbaptized. Finally, manumission as an automatic result of baptism, and that at the expense of other people, was not only unjust; it was inopportune. Slaves ran away to be christened, for the sake not of Christianity, but of freedom. Worse than that, negroes who were already baptized Christians ran away to be christered again by the Spaniards. They profaned the Sacrament for a bonus.<sup>18</sup>

<sup>17</sup> Du Bois, pp. 81-83.—*Mass. Hist. Soc. Coll.*, 5th series, iii. 390, 391, James Winthrop, Cambridge, March 4, 1795, to Dr. Belknap, criticizing justly, but not adequately, the Massachusetts legislation of March 25, 26, 1788.

<sup>18</sup> Prop., *America, Antilla*, i. f. 437<sup>v</sup>, Dominic Allen and Hyacinth Kennedy, O.P., Ste. Croix, April 15, 1760, to Charles O'Kelly, O.P. At this date, some six years after the Porto Rico case mentioned above, these Dominican Fathers say: "Since the island called Porto Rico, subject to the Spaniards is very near this of

§ 109. As to local conditions in Maryland, Lord Baltimore explained in his representation to the Lords of Trade that there was only one town, St. Mary's, "but it cann hardly be call'd a towne, it beeing in length by the water about five myles, and in breadth upwards towards the land not above one myle; in all which space, excepting only my owne howse and buildings, wherein the said courts and publike offices are kept, there are not above thirty howses, and those at considerable distances from each other; and the buildings (as in all other parts of the provynce) very meane and little, and generally after the manner of the meanest farme howses in England. Other places wee have none, that are called or cann be called townes; the people there not affecting to build nere each other, but soe as to have their howses near the watters for conveniencye of trade, and their lands on each side of, and behynde their howses; by which it happens that, in most places, there are not fifty howses in the space of thirty myles." This description furnishes one reason for the slowness and inefficiency of any educational system during colonial times; and why a boarding school, that of Bohemia seminary, was the only notable Jesuit enterprise before the American Revolution. A boarding school could alone secure attendance and permit of system; while the remote situation of Bohemia Manor in far-off Cecil County could alone screen the Catholic school from prosecution, under the anti-Papist laws.

His lordship touched on a point which, if we accept a theory of economics propounded at a later date, retarded the material prosperity of Maryland, as contrasted with Pennsylvania. In this latter colony people consented to be mere farmers, that is, agriculturists. In Maryland every one aspired to be a planter, that is, to be a cultivator of tobacco, an exporter, and a merchant. They all affect the style of merchants, said Lord Baltimore, because they all sell tobacco; and their chief estate is in the number of their dependants, who serve generally five or six years, and then become planters, and call themselves merchants.

ours, some of our slaves at times run away thither, and under pretext of conversion to the Catholic faith are withdrawn, *detinentur*, from their own masters; and that most unjustly, because they could freely practise the same religion here. But, what is worse, many of the aforesaid fugitives run away, after having been already converted and baptized; and the Spaniards, not knowing this, baptize them over again, and adopt them. Would that the Sacred Congregation of the Propaganda applied some remedy to this enormous abuse"! The missionaries speak well of the docility shown by some convert slaves. The little island of Ste. Croix, they say, has 250 Catholics, almost all Irish, *nostrates*, of whom a dozen possess large plantations with many slaves. The two missionaries, since their arrival (apparently in 1758), have baptized fifty of Mr. (Nicholas) Tuite's slaves (*Ibid.*, f. 436). Cf. p. 577, note 11.

This system was analyzed at the beginning of the nineteenth century by Joseph Mobberley, a Jesuit lay brother, who had much to do with farms in both Pennsylvania and Maryland. His conclusions seem to account for the poverty of all in Maryland, the Jesuits not excepted, and for the flourishing condition of Pennsylvania. In his time, the lapse of a century which had expanded the population had not altered the essential conditions of the situation. Indented servants were no more, but slaves were in their place. Tobacco brought the planter a high price in Europe, but it exhausted his land. To the slaves, who were ever multiplying, it gave occupation, for it required at least three times as much working as the agricultural tilling of Pennsylvania. Corn which was raised for food entailed almost the same expenditure in labour as tobacco, or it was bought, like meat. Since tobacco and slaves had to go together, tobacco made the planter, and slavery unmade him. Lands, victuals, and chattels all went to pay the price of the combination. The slaves multiplied, increasing on some plantations by five or six a year; they had to be housed, fed, clothed; tended in sickness, infancy, and old age. With the Jesuits it was managed by an administration which needed another administration to supplement it, if the property was to be saved from depredation.

In general, the southern plantation system, which Lord Charles Baltimore described to the Lords of Trade, became a policy leading to impoverishment and emigration. Hospitable aristocrats of Maryland decayed, as Mobberley for his time expressed it, into "the many hundreds who had become poor and moved away into the western wilds of America, and who have become the poor men and the poor tenants of other States."

To the main consideration advanced by Lord Baltimore, that their lordships of the Board should let well enough alone, *Quieta non movere*, the Board surrendered; for we hear no more about this first movement to plant an Anglican ministry on the plantations of a stunted people. Baltimore said further that, if he went about making such inquiries as the Board desired, with a view to preparing the way for an Anglican establishment, the said scrutinies "would certainly either endanger insurrections, or a general dispeopleing of the province, which is at present in great peace and quiet."

Nine years after the date of Yeo's letter, a Mrs. Taney, possibly wife of Michael Taney, Calvert County sheriff, importuned the Archbishop of Canterbury for a church, and a contribution of £500

or £600 from the king. In her second letter, which is extant, she made not the slightest allusion to any contribution towards church or glebe from the good people themselves who wanted divine service. Her reasons were forcible for asking the charity, and one was slyly put: they were surely subjects, because they paid taxes. She said that their children and posterity would be "condemned to infidelity or, which is most dreadfull, to apostacy," which probably meant Popery. She urged that they were subjects; "I am sure we ar, and, by a late act and customes open [*upon*] tobaco, are sufficiently ecknowledged subjects of the Kinges of England, and tharfore bage his protection." She touched a chord of sympathy for the over-worked minister, some ten long miles away: "Nether can we expect a minister to hold out. To ride 10 miles in a morning and, before he can dine, 10 more, and from house to house in hot wether, will disharten a minister, if not kill him." The wonder is that the notably hospitable planters found it not in their hearts to provide a dinner for the minister, who, after taking his breakfast at home, and refreshing himself as he chose in the shady woods of pine by the way, had given them divine service and expended a sermon on them.<sup>1</sup>

The hardships  
of an  
Anglican  
minister.

§ 110. Exactly coincident with the first note of the elegy which Yeo intoned, lamenting the want of a money foundation for an Anglican establishment, was the first characteristic note of a political revolutionary chorus. A Dutchman, whom we referred to before, sent a "Complaint from Heaven, with a hue and crye and a petition out of Virginia and Maryland," to King Charles II. and his Parliament, and to the Right Honourable the Lord Mayor and Aldermen, as well as to the honourable citizens and merchants in London. With every muscle in his misshapen frame he worked the lever which gave a purchase to all, that of anti-Popery and anti-Jesuitism. Maryland was rank with Popery; "my lord Baltemore will bee canonised at Rome, as they say Hide is." "Hide" was the Earl of Clarendon, Lord Chancellor. The contrary party, continued the writer, "also say that the Papists are no sutch people as they are blakned. But, th[e]y by their canon law not beeinge bound to keep faith with Protestants, the Protestants are also not bound to beleeeve their fayr outsids." It is "noways

A politician's  
complaint.

<sup>1</sup> P. R. O., *loc. cit.*; *Cal.*, v. § 633, Baltimore's representation.—*Ibid.*, *Col. Entry-Book*, 52, pp. 25, 26, 41, 42, *ditto*.—*Ibid.*, *Col. Papers*, 42, No. 40, *ditto*.—Georgetown Coll. MSS., Mobberley's *Diaries*, i. pp. 67-85.—*Md. Hist. Magazine*, iii. 179; Mrs. Taney, July 14, 1685, to the Archbishop of Canterbury.



warrantable by Maryland Charter to turne the Province to the Popes devotion. Liberty of conscience will not nor [*can*] cover that neither. These Popes Messengers hould a secret correspondency with the French pater nostres, that com now a days from Canada or Nova Franciae ove[r] the Lake into the Sinniko Indian country against the Indians, westerly from Newyorke Albany."<sup>1</sup>

This Dutchman's style is subject to qualifications; but his matter has two indisputable titles of merit, which we must not fail to notice. His style, we say, should not be taken as fairly representative of his time and the following century; although Contrasts and concord. Jacob Leisler, the revolutionary leader in New York, might carry off the palm from this compatriot of his for the manufacture of an English jargon. Their Excellencies, the governors of the Middle Colonies, and some of their lordships, especially Richard Lord Bellomont who adorned the government of the Northern Colonies, did honour to the English tongue by their style, while they approved their own abilities by the matter of their despatches. But, style apart, the Dutchman's matter has two titles of merit. First, he said the same kind of thing which all were saying, and which therefore must have been true, or have become so. Secondly, he deserves the credit of having made the most honest attempt, if not the only one under our notice, to find a satisfactory basis for the tenet propounded as Popish, that faith was not to be kept with heretics. It was in "their canon law," he said.<sup>2</sup>

<sup>1</sup> P. R. O., *Col. Papers*, 86, No. 78, (1676).

<sup>2</sup> Fairfax or Cromwell had propounded the doctrine in one of the Three Propositions, which Catholics should not "write, print, preach, teach." (Cf. Appendix A.) John Locke, the philosopher, gave a description of some unnamed sect, which taught that "faith is not to be kept with hereticks"; and, inculcating the policy of toleration, he enlarged upon such an odious category of mankind, which ought to be excluded from toleration. One part of Locke's description, naming no one, suited exactly Cromwell's Puritans, William III.'s Orange faction, and the Established Church; another part tallied with the Protestant Tories; another with the Whigs. At the end, having mentioned nobody in particular, he put the hypothesis of some Mahometan corresponding to his description; and showed how "ridiculous" it would be to tolerate him. Then he concluded in favour of universal toleration, which should include Pagan, Mahometan, and Jew, with all Protestants—and he omitted only the Catholics. He did not venture to mention the Catholic Church or the Pope even once, in the whole of the tacit libel. But, what he had not the audacity to say of Catholics, he left for every one to apply, thanks to the side wind of obreption. And they all applied it afterwards as a proposition philosophically demonstrated by Locke that Catholics were not to be tolerated in a Christian commonwealth. (Locke, *Toleration*, i. pp. 80, 81; (1689), date of the Revolution).

Dr. W. Warburton, Lord Bishop of Gloucester, dispensed himself from discussing and establishing a universal toleration; because Bayle and Locke had exhausted the subject; and, said he, "I am not of an humour *actum agere*"; so he banned from toleration "the English Papist" (Warburton, *Alliance*, pp. 104, note; 804). Alison, the historian, reviewing the Parliamentary debates of 1806 and 1807 on the subject of Catholic emancipation, quoted the whole passage of Locke's classical intolerance; and introduced it, with its tenet of "those who hold that faith is not to

§ 111. In the mean time, the Jesuit corps was engaged in its missionary work. It was not an imposing body for numbers at the moment when the reinforcement of Franciscans arrived. *Three Jesuits* There was Father Warren; and, after the death of <sup>in 1674.</sup> Manners and Pole, only Father Forster came to supply their place. A single brother, Gregory Turberville, assisted these two Fathers. When Father Pierron came on a visit from Acadia and Massachusetts, "he found two of our English Fathers, and a brother; the Fathers dressed like seculars,<sup>1</sup> and the brother like a farmer, having charge of a farm which serves to support the two missionaries. They labour successfully for the conversion of the heretics of the country, where there are in fact many Catholics, and among others the governor." So wrote Dablon, the Canadian superior, to Pinette, Provincial in France. Dablon continued: "As these two Fathers do not alone suffice, Father Pierron cheerfully offers to go and assist them; and at the same time to establish a mission among the neighbouring savages, with whose language he is familiar. But there are many obstacles in the way of this project, which seems to me incapable of execution; because that is a mission belonging to our English Fathers, who should themselves ask for Father Pierron's aid; because it is within another assistancy, and the Father does not wish to leave that of France; and finally because a considerable sum is needed to commence and carry out the project. Meanwhile Father

be kept with heretics," as coming from "the great champion of religious freedom, Mr. Locke" (Alison, vi. ch. 89, § 30, iv.—Cf. Hansard, iv. col. 98, *seqq.*). Alison himself, as an historical relic "of the sturdy old patriots," endorsed heartily the great utterance of Lord Eldon, whom he called "*ultimus Romanorum*," to the effect that, "if ever a Roman Catholic is permitted to form part of the legislature of this country, or to hold any of the great offices of this country, *the sun of Great Britain is set for ever*." Whereat Parliament laughed; but Alison, like a patriotic historian, rejoiced (Alison, vi. ch. 45, § 87, note).

Cf. Butler, *Historical Memoirs*, i. 439-482, for the opinions of six Catholic universities, 1788 (in answer to a question proposed by Mr. Pitt), on the subject of this imputed doctrine: "No faith with heretics"; as well as some compliments of theirs, paid to the intelligence of people who ever believed the imputation. However, as Mr. Wyndham, Secretary for Ireland, observed on one occasion: "A tutelary reverence for household gods has often nerved heart and hand for utilitarian contests."—The substance of the questions submitted to the six universities corresponded pretty closely to the matter of the Three Propositions. See Appendix A, pp. 619-617.

As to Lord Eldon's brilliant rhetoric against Catholics, the speaker seems to have been like others of the dependant sort, who, when they get on horseback, are eager to show their independence. Lord Campbell tells us in his *Life of Lord Eldon*, that this individual, John Scott, began life as a poor scholar, and, being unable to pay a fee, had been allowed "the run of his chambers" by Mr. Duane, "an eminent Catholic conveyancer" (Amherst, i. 184). None so loud or exacting as some people, who would drown with noise the memory of their antecedents.

"Canon law," used as a stage property for showing off a Jesuit question, may be seen *infra*, Appendix C, pp. 643, 646, 647.

<sup>1</sup> "*En gentilshommes*."

Pierron has returned to the mission among the Iroquois, with very holy intentions. He is a man of great and rare virtue."<sup>2</sup>

The Maryland savages to whom this French Father would have lent his services were the Susquehannas, a powerful tribe of Iroquois stock, but not on friendly terms with the Five Nations of Iroquois in the New York territory. This stock of tribes was a foreign intrusion into the Algonquin region; and, having possessed itself of the Lake country round Ontario, it reached down to the Chesapeake by the splendid natural line of travel, the Susquehanna River. Not far away, in the direction of North Carolina, were the Tuscarora Indians, also of Iroquois stock, who, at the beginning of the next century, were adopted as a sixth by the other Five Nations of New York. The Susquehannas were then already dispersed. At the present date, 1673, both geographical and linguistic considerations would have made Father Pierron a valuable acquisition for extending in the English region that devoted missionary work, which was in full progress among the ferocious cantons of the north; for, as Father Druillettes wrote to John Winthrop, of Connecticut, the English Catholics of Maryland were "sufficiently near to the Iroquois."<sup>3</sup> A peaceful penetration like this would have answered Father de Lamberville's views, expressed some ten years later, when he regretted that the Five Nations of the north were unassailable on the south, "having a vast hunting ground at their rear, aside of Maryland and Virginia; which the French do not know at all, any more than the places in proximity to their villages."<sup>4</sup>

New men came now to the mission of Maryland. Father Warren was recalled from America in 1676, and was complimented by the General on the work accomplished.<sup>5</sup> Father Forster conducted affairs with efficiency till he died, in 1684.

There were two Fathers Pennington, of whom one died; Nicholas Gulick, a Norman, and Thomas Gavan. One, Thomas Hothersall, who should have become a priest, was incapacitated by a trouble in his head; but he did good work as a schoolmaster. Lay brothers were supplied; Francis Knatchbull, of a distinguished family, who assisted the Fathers during two years, and died in 1677 at the early age of thirty-six;<sup>6</sup> Brother Hamy, who died in 1680;

<sup>2</sup> Thwaites, lix. 72, 74; Quebec, October 24, 1674.

<sup>3</sup> *Ibid.*, xxxvi., 110; 1650-1651, *Narré du Voyage*, Father Druillettes on a league of the English colonies against the Iroquois.—*Of. Brodhead*, ix. 6, 7, Dailleboust's commission to Druillettes and Jean Godefroy.

<sup>4</sup> Rochemonteix, *xviii.*, iii. 175; July 11, 1684.

<sup>5</sup> Documents, I. No. 6, D<sup>2</sup>.

<sup>6</sup> *Ibid.*, No. 8, F<sup>2</sup>.—Foley, *Records*, iii. 395, note.

and the two Brothers Turberville and Berboel, both of whom departed this life in the same year as Father Forster, 1684. Just then, the New York mission was founded, with Fathers Thomas Harvey and Henry Harrison as missionaries. When the Revolution broke out in 1689, the Jesuit forces consisted of these two in New York, and of Father Francis Pennington, superior in Maryland, with Fathers Matthews and Gulick, Mr. Hothersall, and the Brothers Lambreck, Williart, and Burley. This was the largest contingent so far furnished by the English Province to America. It consisted of five priests, and four others, one of them being a scholastic master.

The qualities of these men were varied. Father Francis Pennington, with whom Gulick and two lay-brothers came in 1675, had everything to recommend him. Being as yet only thirty-two years of age, he had still experience to acquire; and in due course he succeeded Father Forster as superior.

Quality of  
men. Thomas  
Pennington.

His dominant tendency was to the exercise of spiritual ministries—an observation which intimates that he considered the spiritual work as the thing to be done, and the temporal as something not to be omitted. It would appear that he was dispensed from his last year of spiritual formation in the Society; and apparently he did not suffer by the dispensation. In giving the Provincial authorization thus to exempt from the third year of probation him, “who had offered himself for the Maryland mission,” the General had accepted of this self-sacrificing ministry as an equivalent for the graduating stage left out; and he subjoined that, if any one else presented himself to go as companion on the voyage, such a volunteer was comprised in the same exemption, provided he, like the other, was so equipped with virtue as to be a safe subject for the appointment. The dispensation being thus granted in May, 1675, we find that Francis Pennington left England in October of the same year, accompanied by Nicholas Gulick, a Norman.<sup>7</sup> The choice of the companion was not so well advised; and the dispensation was more than wasted. The motives for being allowed to accompany a devoted missionary may not always reach the level of devotion which animates him who is accompanied.

No slight derangement ensued in the whole career of the Maryland mission owing to this policy which had already begun of granting dispensations in its favour. Good men, and the best of men, were rather sacrificed in order to provide for America. From 1662 onwards, there was a steady campaign in progress, the Provincials

<sup>7</sup> Documents, I. No. 6, C<sup>2</sup>; No. 8, D<sup>2</sup>.

Integrity of  
the Jesuit  
formation. demanding dispensations for young Fathers from the final year of their spiritual formation, while the Generals steadily defended the same final year, though yielding to importunity. It was a duel between present expediency and permanent utility; the Provincials urging that Maryland could not at the moment be otherwise supplied; the Generals insisting that the vitality of the future was not to be drained for the benefit of the passing moment. The universal and permanent supervision of the higher superior made him a trustee for the future; the temporary and local administration beneath was often tempted to regard itself as an heir to the uses and trusts of the past.

Diverging  
interests:  
opportunism  
v. principle. It is true that in the Society there was no bureaucracy, with the want of heart which is incident to corporations, and the want of consideration which rates an individual as merely one in a crowd. Still, were it not for the firm hold of a permanent authority above, one effect of bureaucracy could result through the limited views of alternating authorities below. Under a strain to meet a passing need, possibly under certain attractions of success or popularity which the General Aquaviva reprobated as "politic," men filling an office temporarily might use up the resources at hand, and overdraw on the future; leaving successors in the same office to do the same in self-defence, and perhaps trespass even farther into the *paulo-post* future.

The issues opened between the two powers, provincial and general, enlarged and extended downwards. Theology ought to be curtailed in order to meet the urgent needs of Maryland. Philosophy had been reduced to a biennium on account of some special circumstances. Finally, the contention reached even to the first novitiate of two years, which the General on some occasion found had been encroached upon, because the youth was a Marylander, and he would be needed in Maryland. With all this, one General had to remonstrate that no particular state of the case had been presented, to show what the peremptory exigencies of the American mission were. No doubt, the real state of the case was often nothing more than that older men were already at their posts. It cost less trouble to let well enough alone, and break new soil. The younger men were not yet placed.

The perennial duel raged especially over the devoted head of the third year, or tertianship, which came at the end of a person's formation in the Order. This finishing and graduating institution of a year's spirituality at the end, with the scholastic organization of studies during some eight or nine years preceding, and the

novitiate with its two years at the beginning, constituted all together the "seminary" of a Province; which was the prime object of a Provincial's care and solicitude. But this final year for young priests, who were just about to be launched on the ministerial, administrative, or professorial life, was so purely spiritual in its exercises that it might look somewhat airy to busy men. Material business has a body to it, and requires somebody. Spirit is immaterial. Nevertheless, spirit has its grades in a graduated human development; which is no development, if not graduated. And the spiritual life may have skipped a stage, which subsequent years will desiderate, but shall never find; as was said of the Duke of Newcastle, well known in colonial history, that he resembled a man who had lost half an hour in the morning, and was running after it all the rest of the day. It becomes a penury, ever on the ebb, as affluence is ever on the flood. An ample illustration of this is afforded by the experiences of any public speaker, especially of the preacher, who, having been once a scholar in the kingdom of heaven, must become a master, to dispense in his day things new and old, *nova et vetera*.<sup>8</sup>

\* Documents, I. No. 6, S<sup>2</sup>, X<sup>2</sup>; No. 8, X; No. 6, Z<sup>2</sup>, A<sup>2</sup>, C<sup>2</sup>, H<sup>4</sup>; No. 7, B, J, B<sup>2</sup>, C<sup>2</sup>, L<sup>2</sup>-Q<sup>2</sup>, S<sup>2</sup>-U<sup>2</sup>, A<sup>2</sup>. In these documents, concerning men who became missionaries in America, we see the first novitiate of Bernard Cross clipped of seven months, in favour of philosophy (No. 7, P<sup>2</sup>); and that of John Digges curtailed without authorization (No. 7, N<sup>2</sup>, O<sup>2</sup>); then the fourth year of theology for John Digges and Bennet Neale reduced to an examination, and the third year of probation to a month's spiritual retreat (No. 7, A<sup>2</sup>). But the General Father Retz signified that he should very much like to know what were the specific reasons for all this attenuation of courses; and, if he was dunned for authorizations, he might be permitted to know why (No. 7, S<sup>2</sup>, A<sup>2</sup>). In 1714, the General Tamburini reprimanded the Provincial and his councillors for having presumed to withdraw three novices, who were just beginning their second year of probation; he enlarged on the evil of making *abortivi*, or malformations, which, throughout life, would exhibit the results of debility and inconstancy (*Anglia, Epist. Gen.*, October 18, 1714, to T. Parker). Yet one, who had just been master of novices, and should have conceived the most correct idea of what a proper formation meant, no sooner became Provincial than he emptied the whole house at Ghent of the Fathers in their third probation, and sent them all to England (*Ibid.*, December 12, 1733, to L. Browne).

On the first novitiate of two years depended the primary creation and establishment of the Jesuit character; and, as his Paternity wrote, "the future state of the Province depends generally on the accurate formation of the novices" (*Ibid.*, May 5, 1731, to L. Browne). Both parties, the individual aspirants and the Society, coming to know one another well, they were satisfied, each with the other; or else they preferred to separate betimes and with mutual satisfaction before any vows were taken, rather than drag on in company, only to be separated in the future with a wrench, "*nihilominus deinceps, sed acriori sensu, revellendos*" (*Ibid.*, July 28, 1731, to same). From the same fund of spirit and intelligence, conceived in this first novitiate, came in no small degree the zeal and efficacy which should afterwards find room for play in the missions (*Ibid.*, August 29, 1722, to T. Lawson). One or two years more, after the biennium of noviceship, were devoted to a revision of literary studies; and, being spent in the same house, they served to consolidate the first spiritual fabric.

On the second novitiate, or third year after the completion of all studies and courses, "the integrity," said the General, "and the well being of the Province in great part depends"; and therefore Father Retz objected to a wholesale canonization by the Father Instructor of all the young priests under his care. The General

Nicholas Gulick had followed only a moderate course of studies, but he had a talent for preaching. He was not yet four years in Maryland when the papers were sent over for his dismissal from the Society. Then the Provincial, Father Warner, explained to the General that the papers had not been delivered by Father Forster, the Maryland superior, because of an improvement witnessed. Gulick, "it is said, would not be a bad workman in the vineyard of the Lord, if he would apply his mind." But a few years later the case became urgent; and in 1694 he was severed from the Order.<sup>9</sup>

learned nothing by that (*Ibid.*, September 18, 1732, to H. Hayes). Time necessary for ripening, duration necessary for endurance, were conditions of a fruitful quiet during that year; and "be assured," said the General Oliva to the Provincial, "that what is taken from the time of those Fathers is lost to their virtue"; since "there is need of a protracted interval for establishing the virtue of those especially, who have to pass their lives in the midst of a perverse nation" (*Ibid.*, January 30, 1677, to R. Strange). It was the subject of an impressive paragraph, written to the whole Society by the General Father Roothaan in 1880, that the life worthy of a Jesuit was grievously misconceived, if it was rated to be "only a kind of goodness, and any kind of love for virtue and probity." It was not a kind of life which any person could assume on merely assuming the habit of the Order; but it required a long and insistent self-denial, without which the natural man would not give full play to the supernatural (*Epist. Præp. Gen.*, ii. 812, *De amore Societatis*; July 7, 1880, § 6). On the matters thus explained, compare *History*, I. § 5, pp. 161-168.

The process of use in dispensations having become an abuse, and a passing necessity an habitual one, the whole method was reformed by a decree of the General Congregation (1780), which reserved all power in the premises to the General alone, and enjoined on him great parsimony in the use of his power (*Documents*, I. No. 7, B<sup>3</sup>, M<sup>2</sup>). In the year after this decree, a young man, named Richard Archbold, entered the Society, at the age of eighteen. When he was twenty-six years old, he was represented to the General as so inflamed with self-sacrificing zeal, that he was willing to enter on the Maryland mission without finishing his theological studies, without retaining any ultimate right to the grade of profession in the Order, and without passing through a third year of probation. Reluctantly, the General, relying on the reports and pleadings of men, who had an official right to be trusted, did grant the requisite permission for all these things, under certain reserves (*Documents*, I. No. 7, T<sup>3</sup>, U<sup>3</sup>). Ten years later, Archbold was professed in Maryland, and returned to England. Six years afterwards, a considerable estate falling to him, he thought the enjoyment of it preferable to everything else. He crossed over to Dublin, abjured his religion in St. Andrew's church; and, wrote Dom. Reilly to the Propaganda, he earned at the same time the contempt, "not only of Catholics, but of the majority of the pretended reformers themselves" (*Prop.*, *Ibernia*, 10, f. 454; D. Reilly, July 31, 1755.—*Cf. Foley, Collectanea, s.v.*).

The foregoing points serve to show where the general authority of the Society was directly exercised. Whatever concerned the status of members, their formation, their grade in the Order, always remained under the immediate action of the General. It may be noted how in our volume of *Documents* (I. (i.), Nos. 5-7), questions of this kind predominate in the letters from Rome, especially in the delicate issue of severing any member from the Society. The ordinary course of provincial or missionary administration came in merely for approval, modification, or, if necessary, reversal. In this sphere the Provincial's attributions, which were large, were also free. The General, Father De Noyelle, answered Father John Warner, who had recently been Provincial, that he acknowledged indeed his own interposition to be necessary in the matters communicated; but he continued: "At the same time, as your Reverence is aware, the affairs of Provinces are so committed to the administration of Provincials, that the General ought not to descend to particulars, *ad singula*, except when necessity requires it; for fear the order of government be disturbed" (*Anglia, Epist. Gen.*, iii. 365, November 25, 1684).

<sup>9</sup> Cambridge, Warner's *Note-Book*, August 30, 1680, to the General.—*Documents*, I. No. 6, F<sup>2</sup>, X<sup>2</sup>.—*Foley, Collectanea, s.v.*, "Gulick."—In the course of some years

Besides this failure of a missionary, there were others, the mention of which, though few in comparison with the gross number of men, has taken up a disproportionate space in our *Documents* from the correspondence of the Generals.<sup>10</sup> The reason is obvious, as we have just observed in a note. The department of business, which regarded a man's standing in the Order, came under the General's immediate cognizance; whereas the normal course of affairs was a subject meriting only approbation, compliment, or rectification from the supreme authority.

Father Warren, having reconstructed the temporal affairs of the Maryland mission, was succeeded by Father Forster, a man of high qualifications, who had then been some six years in the country. At the same time, the General received word, Temporal administration.  
Difficulties. which he passed on to the Provincial, "that in Maryland Ours are said to be failing in their duty, and to be looking for temporal rather than spiritual gain; I hope your Reverence has taken occasion to provide a remedy."<sup>11</sup> The fact was, temporal circumstances hampered the mission in a way which might not be understood in Europe; and they became more difficult with the lapse of time.<sup>12</sup> Money was scarce. With planters it figured as due from England for tobacco exported; but a heavy deduction was made in England for other things which the planters purchased. If Jesuits needed money, they had to beg or borrow of the Provincial. In the beginning, a worthy secular person, William Lewis, had been overseer of St. Inigoes farm for Father Copley; when lay brothers came, they managed the business. We cannot say which system was preferable, for both were bad. Under outside management, very little might remain in the balance of accounts. Under inside management, the religious flavour of the establishment became rather stale. In both cases an ecclesiastic was at the head, as "master of the house"; and he was master of lands, of slaves, of

following (1697, 1698), Gulick's name is seen, with Jesuit and Franciscan names, in wills containing legacies for them (Baldwin, ii. 118, 167). He seems to have worked on the Eastern Shore (*Documents*, I. No. 87.—*Cf.* Baldwin, ii. 118). But, though much later (1716) he is mentioned in connection with Jesuit property on the Eastern Shore (*Documents*, I. *loc. cit.*, p. 220), we find no mention made of him in Catholic wills during the years after 1698, though Jesuits and Franciscans are honoured as usual.

<sup>10</sup> *Documents*, I. Nos. 6, 7, *passim*.

<sup>11</sup> *Ibid.*, No. 6, E<sup>2</sup>; 1676.

<sup>12</sup> Not but that they had their own difficulties, and more than enough, in the European system of temporal administration. For an elegiac strain on the finances of the German Jesuit boarding colleges, although these were endowed, compare Duhr, i. 320-324. For the constitution itself of Jesuit colleges, the conditions of endowment, their working, their difficulties, numbers, etc., see Hughes, *Loyola*, chs. iv., v.



buying and selling, minister of domestic and foreign affairs, besides being minister of the Divine Word and Sacraments. In the course of time, especially when Father George Hunter was superior, the chief missionary became also the head of a colonial department. He managed with the London Jesuit procurator, and with many others, the money affairs for travelling, pension, and pocket, of all the sons and daughters, whom the good people of Maryland sent to St. Omer's College or to the English monasteries on the continent of Europe.<sup>13</sup>

The whole administration was registered as self-supporting. It was rather self-consuming. The English Province simply took no account of what they were doing with their temporalities **Deficit.** in Maryland, Pennsylvania, or New York, because there was no account to take, beyond that of the loans and monies that were sunk there.<sup>14</sup> The economic statement recorded for the General at fixed intervals became stereotyped for a hundred years, to the effect that the American missionaries lived on the product of their farms, and no further account was taken of that matter.<sup>15</sup> The Provincial Corbie, in 1759, raised a barrier in his Ordinances against the outgoing of English means for the supplying of American needs; and he stated that the mission "must necessarily order things so as to support itself."<sup>16</sup> Then, in 1765, Corbie's successor, Father Dennett, received from the able administrator, Father George Hunter, a short but comprehensive statement, which, rules and constitutions notwithstanding, was apparently the first, as well as the last, ever submitted from America.<sup>17</sup>

<sup>13</sup> Cf. *infra*, pp. 521, 522.

<sup>14</sup> Cf. Documents, I. Nos. 51-56.

<sup>15</sup> *Ibid.*, No. 8, O<sup>2</sup>-V<sup>2</sup>.

<sup>16</sup> *Ibid.*, No. 56.

<sup>17</sup> *Ibid.*, Nos. 8, W<sup>2</sup>; 97, 106. If the Jesuit missionaries did not neglect their spiritual duties, it is nevertheless clear that their ministries were hampered by such temporal duties. With the dissolution of the Order in 1778, the central hand of authority was withdrawn; and then the missionaries, no longer Jesuits, were left to their own capacities, lights, and devices. They became ever more and more involved in the consequences of their ability or inability to manage estates (cf. *Ibid.*, No. 109, D, Lewis de Barth on the situation, 1820; No. 110, E-G., Adam Marshall, S.J., on the same). Father John Lewis, who had been superior before the Suppression of the Society, exhibits in his *Diary for Bohemia, 1775, 1776*, a strange medley of all the things which were occupying his attention. He was at one and the same time ecclesiastical superior, local pastor attending several missions, procurator of the farm, head of the house, and, as it would seem, a farm-hand too on occasions (Md.-N.Y. Prov. Arch., 1775-1776; Lewis' *Diary*). The combination was like that of a Paraguay reduction in English surroundings, without the organization, results, and fruits of Paraguay. As there was no guarantee that any of these lonely missionaries had received the talents of a temporal administrator when he was adorned with a vocation to the religious life of the Society, we have, in a few lines of Father John Carroll (1780), a felicitous description of what might and did naturally result. The most unspiritual of the missionaries was, wrote he, "the most industrious man

Father Thomas Gavan, aged thirty, was sent out to America in 1677. He seems to have agreed with Father Francis Pennington, already there, in the sum of qualities which distinguished him. Two different Provincials (1678, 1685) described these T. Gavan. two Fathers, in language different, but in substance the same, as altogether eminent in natural talent, qualified for missions and many employments. Both mentioning in particular the piety of Pennington, their opinions concurred on the extraordinary mental capacity of Gavan for all higher studies and speculative science. Then, in the course of seven years, Pennington was noted as having developed in experience to a degree corresponding with his natural talents. But that was not credited to Gavan, whose experience, after eight years in the mission, was stated to be but moderate.<sup>18</sup> He was recalled to England; and an old American record says laconically, "Mr. Gavan returned, pious and wise."<sup>19</sup>

The reason for assigning to foreign missions a person of this kind, whose talents seemed not to lie in the direction of practical life, still less of farming, but rather to point him out for intellectual work in learned centres, may be explained by a general policy of the Order in the administration of missions; that, as the members placed there could not count upon the ordinary aids of books, libraries, and collegiate faculties, they should not only be provided with a sufficiency of acquired learning in themselves, but should also, if possible, have some one eminent among them, for purposes of consultation. Thus England itself, with its one hundred and six Jesuit Fathers scattered about in 1683, desiderated the presence of some oracle, to whom reference might be made in knotty questions. The General wrote to Father Warner, Provincial, in 1683, "that there should be sent to England some one eminently accomplished in theological sciences, one who is no ordinary master therein, to the end that our men may have recourse to him for solving and settling difficulties, which naturally occur from time to time; for at present it is certain that there is no one in the Island who has been a professor of divinity."<sup>20</sup> Gavan, recalled in 1685, was placed as a missionary in England.

§ 112. A local school was in operation before Gavan departed. in Maryland"; and another, most spiritual and a "true son of the Society," made a "bad hand at farming" (Documents, I. No. 147, A, B).

<sup>18</sup> Cf. *Ibid.*, No. 25, p. 204, where Father Killick criticizes a land assignment as done "in a very blind manner" by Gavan.

<sup>19</sup> Md.-N.Y. Prov. Arch., L. 1, *ad init.*

<sup>20</sup> *Anglia, Epist. Gen.*, March 27, 1683.

Father Sankey had tried one at an earlier period (1650).<sup>1</sup> Then, in 1673, a Mr. Robert Dowglas, having come over with a recommendation from Lord Baltimore to Charles Calvert, had been employed in the education of that governor's children.

The local school. Its prospects.

The enterprise of a school was promoted. But, owing to the sparseness of the population, the governor had only slight hopes that his lordship's educational plan would produce any substantial results.<sup>2</sup> Seven years afterwards (1680), the Provincial Warner wrote to the General: "I hear from the Maryland mission that a school has been set up, where humane letters are taught with great fruit. Everything is peaceable there."<sup>3</sup> This school had been opened in 1677, the year of Gavan's arrival, when Gregory Turberville, a competent lay-brother of some education, was on hand, and when possibly Mr. Robert Dowglas was willing to help. In 1681, the same Provincial gave a glowing description of what was now going on in "those regions, which ought not," he said, "to be called barbarous." He wrote: "We gather that they are most productive, not of gold alone or silver or other earthly riches, but of men made for virtue and for higher courses of study." Two of the students, already trained in the local school, had gone to St. Omer's, where they were second to few Europeans in talent, and contended with the best of their class for the first places.

The Provincial said further, that he had sent over a reinforcement of two members in the course of the year.<sup>4</sup> They were the master, Thomas Hothersall, and a lay brother. Mr. T. Hothersall. Hothersall should by this time have been ordained a priest. He was thirty-nine years of age; had been thirteen years in the Society; but, with all his success in philosophy and theology, as well as aptitude for many duties, he suffered from such an affliction in the head as rendered him incapable of reciting the divine office. His final status in the Order remained undetermined, until seventeen years later the General inquired about his learning, and the possibility of ordaining him priest. If that could not be done, his Paternity asked, whether Hothersall would be content with a final status constituting him a temporal coadjutor.<sup>5</sup> At that very time, however, in 1698, the devoted man died.

Meanwhile, he and Nicholas Williard, a Flemish lay-brother, had

<sup>1</sup> *Supra*, p. 46.

<sup>2</sup> *Calvert Papers*, i. 286; C. Calvert, June 2, 1673, to Baltimore.

<sup>3</sup> Cambridge, Warner's *Note-Book*; August 30, 1680.

<sup>4</sup> *Documents*, I. No. 8, H<sup>2</sup>; 1681.

<sup>5</sup> *Ibid.*, No. 6, K<sup>1</sup>.

charge of the secondary school, which sent promising young men, not only to St. Omer's College, but to the Jesuit novitiate at Watten, in Flanders. In view of the expenses to be incurred in a long voyage, a proposal was made to keep in Mary-<sup>The first native Jesuit. R. Brooke.</sup>land a certain young aspirant, whose qualities were highly commended to the General. The latter took exception to any such consideration as expense, in the matter of forming one "who for his natural gifts was thought worthy of being received into the Society."<sup>6</sup> Nevertheless, he was willing to yield, on condition that there was a novice-master competent to do the young man justice in imparting a spiritual formation. This was in September, 1683. The diary of the Watten novitiate records for the next year, September 7, 1684, the admission of eleven candidates, among whom is "Robert Brooks."<sup>7</sup> As a large number of fine subjects were subsequently incorporated into the Order from the solid and sterling Catholicity of Maryland, it is interesting to reflect what would eventually have been the loss if this first specimen, and so promising a one, had been shuffled through in the manner proposed. If the first instance of a Jesuit vocation had resolved itself, as inevitably it would have done, into a specimen of Jesuit life, slipshod, commonplace, and uninviting, the effect on excellent young men in the colony would not have been that of impressing their imaginations, and stimulating their legitimate aspirations.

In the year after Robert Brooke's admission, another native of Maryland was registered, September 7, 1685, one by name, "Tho. Gardner," who entered with ten other novices. On Sep-<sup>T. Gardiner, G. Calvert.</sup>tember 8, 1686, eight made their first vows, Robert Brooke among them.<sup>8</sup> Three years afterwards, on resigning his property, Brooke assigned it all to the Maryland mission.<sup>9</sup> He became a most representative Jesuit in Maryland, and was professed in 1702. He with William Hunter stood the brunt of Governor Seymour's assaults, and afterwards became superior of the mission. His companion Gardiner left the Order after nine years, just at the close of his higher studies. Another native of Maryland, George Calvert, who entered the Order in 1689, did not reach quite so far as Gardiner; while pursuing his higher courses he is reported to have died after seven years.<sup>10</sup>

<sup>6</sup> Documents, I. No. 6, K<sup>2</sup>.

<sup>7</sup> Stonyhurst MSS., A. iv. 1, f. 8.

<sup>8</sup> Ibid.

<sup>9</sup> Documents, I. No. 42, A.

<sup>10</sup> Foley, *Collectanea*, s.v.— Cf. Documents, I. No. 6, A<sup>1</sup>-D<sup>4</sup>; 1694. If Calvert

The characters of these three men, the first native Jesuits of Maryland, may be compared, if only to see the kind of product with which those regions, "unduly called barbarous," were now beginning to offset Europe. After Brooke had been twelve years in the Society, he was described as a man of first-class understanding and judgment, circumspect in the management of affairs, although not yet equipped with much experience; he was very solidly grounded in learning, even-balanced in temperament, and adapted to missions and all spiritual occupations. Gardiner, having been already eight years in the Order, and beginning his fourth year of divinity, was described as gifted with very good talents, but a judgment and prudence only moderate; so too his learning; while his dispositions suited the missionary life. Calvert, when as yet only four years in the Society, was reported as having very good talents, and judgment to correspond; his discretion only ordinary, but his progress in learning above the ordinary; his temperament choleric, and his qualifications such as to be promising in many lines of usefulness hereafter.

§ 113. America had thus become a new source of moral and intellectual worth. It was also an object again of missionary ambition, which had been diverted towards other quarters, in consequence of the troubles with Cecil Lord Baltimore.<sup>1</sup> In our former volume we illustrated the spirit of apostolic devotion as far as 1654, in the direction of Maryland, the West Indies, and the foreign missions generally.<sup>2</sup> We dropped the matter just where English, Welsh, and Irish Fathers were treating with superiors about the island of St. Christopher, or St. Kitts. Thither, in fact, the Irish Jesuit Christopher Bathe was sent to help the French Fathers in the service of his countrymen (1650-1654).<sup>3</sup> The General had used this phrase, "his countrymen," when speaking in the same connection of a Welshman, Father Robert Buckley. But, to denote with precision the population in question, we know well enough that the West Indian Catholics from the British Isles were the Irish transported wholesale by

had left the Society in 1694, at the time of this correspondence, he would have been only five years in the Order. Possibly his choleric disposition became more tractable.

<sup>1</sup> *Supra*, pp. 16, 17.

<sup>2</sup> *History*, I. 460-476.

<sup>3</sup> *Ibid.*, 469, 470.—The French missions in the Antilles and Central America began about 1640 at Martinique; a little later at Guadeloupe and St. Christopher; in 1651, at Cayenne (Guiana); in 1652, at St. Vincent; finally, in the French part (Haiti) of the island of San Domingo (Schmitt, col. 198).

Cromwellian enterprise.<sup>4</sup> Now we close this phase of the Maryland mission by recording some of the characteristic applications which had been made during the period.

Crescent Warner, an ideal lay coadjutor, and probably brother of the Provincial, had actually been designated for America; but he failed to find shipping.<sup>5</sup> This may explain why three <sup>Disappointed</sup> lay brothers are credited to Maryland in 1669 by the Pro- <sup>hopes.</sup> vincial Simeon;<sup>6</sup> and yet only two appear about that time in the catalogues. Father Matthew Mildmay received a conditional dispensation from the third year of probation in favour of the American mission.<sup>7</sup> Robert Stephens, apparently a novice, succeeded in having his name placed by the General on the list for foreign missions; but the General intimated that his ultimate destination might be "the English mission, or the Indian one [*Maryland*] belonging to England."<sup>8</sup> Father Baldi's qualifications for such a ministry were entirely discounted.<sup>9</sup> Sir John Clare (Warner), having entered the Catholic Church and the Society, while his wife became a cloistered nun, accompanied a letter of thanks for his promotion to profession with a petition for any foreign mission; subsequently he asked for Maryland in particular. The General answered these letters sympathetically, and then, appointing him master of novices at Watten, signified that Clare was now in a position to prepare missionaries for Maryland and England together. Still later, after reassuring the Provincial Keynes that Father Clare's name had been taken off the list of foreign missionaries for China, the General appointed the baronet Provincial.<sup>10</sup>

Finally, in the years which followed the Orange Revolution, the Provincial was authorized to use for the American mission those who had recently placed their names with the General for the East Indies and China.<sup>11</sup> The meaning of such directions was that, the Jesuits who applied to the General for foreign missions being thenceforward at his disposal for such a purpose, he obligingly resigned his prior right to their missionary service by leaving them to be disposed of by the Provincial.

<sup>4</sup> *Infra*, p. 146, note 8.

<sup>5</sup> *Angl. Hist.*, vi. p. 165; J. Warner, January 15, 1682, to the General de Noyelle.

<sup>6</sup> *Documents*, I. No. 8, W.

<sup>7</sup> *Ibid.*, No. 6, A<sup>3</sup>; 1672.

<sup>8</sup> *Ibid.*, No. 6, S<sup>3</sup>; 1684.

<sup>9</sup> *Ibid.*, No. 6, W<sup>2</sup>; 1688.

<sup>10</sup> *Ibid.*, No. 6, P<sup>3</sup>, V<sup>3</sup>.—*Anglia, Epist. Gen.*, March 9, 1688, to J. Clare Warner; February 6, 1688, to Keynes.

<sup>11</sup> *Ibid.*, No. 6, F<sup>4</sup>, H<sup>4</sup>; 1695, 1696.

§ 114. To the north, on Long Island, there was a place called Jamaica or Jamecoë; it was named Rustdorp by the Dutch possessors of New Amsterdam; and finally it reposed under the English name, Jamaica.<sup>1</sup> We cannot say whether it was owing to some misconception, that a proposal mentioned in 1684 to found a mission in Jamaica was interpreted by the General as relating to the island of Jamaica in the West Indies. There had indeed been a movement of English colonists from Barbadoes and other islands, from Virginia and also from Maryland, towards Port Royal in Jamaica, where every inducement was held out to settlers. Charles Calvert wrote to his father, Lord Baltimore, about the progress of the migration in 1673.<sup>2</sup> If any Catholics of Maryland did think of trying their fortune in the West Indian island, it is not unlikely that they consulted the Jesuits with a view to obtaining spiritual assistance. In any case, the General inquired of the Provincial about a Jamaica project in 1684.<sup>3</sup> As we find nothing further at this period relative to the West Indian island of that name, we may direct our attention northwards towards the other Jamaica, and New York, whither about the same time Father Thomas Harvey or Barton voyaged with the Catholic governor, Thomas Dongan.

In a report, submitted to the Propaganda some twenty years before by the Vicar Apostolic of Canada, Mgr. Laval, and dated October 26, 1663, we have Long Island mentioned as the seat of a mission. The report being almost entirely about Jesuit missionaries, it shows how closely the great net of French Jesuit Indian stations had been drawn round New Amsterdam, which was otherwise called Manhattan, and New York. The Bishop wrote: "In New Belgium, two new missions: first, at the River Manahatten, about thirty miles from Sokoüéki. This counts 600 families among the Mahiganic natives. Secondly, in the island near Manahatten, called Long-Elen. This numbers 1000 families among the natives, called Apemenagatoue."<sup>4</sup>

Twenty years still farther back, before Laval's account, Father Isaac Jogues, having escaped from the Iroquois through the kindly offices of the Dutch at Fort Orange (Albany), was received with the utmost consideration by Governor Kieft at New Amsterdam (August, 1643). The Director-General told him there were in the

<sup>1</sup> Cf. Brodhead, ii. 396, 573; xi. s.v.

<sup>2</sup> *Calvert Papers*, i. 290; June 2, 1673.

<sup>3</sup> *Documents*, I. No. 6, Q<sup>2</sup>; July 22, 1684.

<sup>4</sup> Prop., *America*, 8, *Canada*, 256, f. 40.

place persons of eighteen different languages.<sup>5</sup> In the next year, Father Francis Joseph Bressani was ransomed from the savages by the Dutch, and met with the same consideration as Jogues (1644). Later, Father Simon Le Moyne visited Fort Orange; and then "came here to the Mannhattans," as the Reformed ministers, Megapolensis and Drisius, reported in 1658, writing to the Classis of Amsterdam. They suggested a reason for his coming: "doubtless at the invitation of Papists living here; especially for the sake of the French privateers who are Papists, and have arrived here with a good prize."<sup>6</sup>

Father  
Jogues,  
Bressani,  
Le Moyne,  
1643-1658.

In the next year, 1659, Mgr. Sanfelice, nuncio at Cologne, reported to the Propaganda an application made to him for a missionary, on behalf of "many Catholic merchants, who had gone over to New Holland in America," and who desired spiritual assistance for themselves as well as for the idolaters of those countries. A zealous ecclesiastic was ready to send out a good Dutch missionary at his own expense. The Bishop of Sebaste<sup>7</sup> also made an application in the same sense, and added a circumstance, that "this was a happy occasion, for the governor of that island is a Catholic."<sup>8</sup> The missionary who would undertake to go was "a chaplain of the Imperial Resident at the Hague, a man forty years old, of a good constitution and character, of practical abilities, and competent to learn the condition of the Catholic religion, so as to send a report." The Propaganda left the matter in the hands of the new nuncio who was just about to depart from Rome, and relieve Sanfelice at Cologne. A missionary was accordingly sent by the succeeding nuncio; who, three years later, reported a new application. The Dutch prelates, he said, had urged him strongly to despatch also the Rev. Hildebrand Fuss, the other missionary being somewhat unequal to the work in New Netherland. They advanced as reasons the necessities of the case, as well as the independent circumstances of Fuss, who could maintain himself without burdening the Catholics. The Propaganda assented willingly, and offered a subsidy, if needed; but it desired to know the name of the missionary previously sent.<sup>9</sup>

The Dutch  
missionary  
(Van der  
Wielen), 1659.

H. Fuss,  
1662.

<sup>5</sup> O'Callaghan, iv. 2.—Thwaites, xxviii. 106. In 1916, Cardinal Farley has "28 different races" on his hands in N. Y.

<sup>6</sup> *Researches*, xxii. (1905), 184.

<sup>7</sup> We presume this was a vicar apostolic in Holland. We do not find such a titular for this date; but a few years later, Peter Odde, the Jansenist of Utrecht (1688-1704), was Archbishop of Sebaste. (P. B. Gams, *Series Episcoporum*, p. 256).

<sup>8</sup> Here there may have been some confusion between New York and Maryland. The Director-General of New Netherland at this time was Stuyvesant.

<sup>9</sup> Prop., Acta, September 23, 1659, ff. 140, 141; 10°: "*Relationes Em.*" Ginetti.



It was one year after this that Laval's relation was written (1663), from which it appears that the French Jesuits had Indian missions on Long Island, and among the Mahicans (Loups, or River Indians) of the Hudson.<sup>10</sup> In the next year, 1664, Stuyvesant being Dutch governor, the English, with an overwhelming force, came and calmly took possession of the colony, in time of nominal peace (August 29, 1664). The territory now belonged to the Duke of York; and was governed under his authority by Nicolls till 1668, at which time the Treaty of Breda (1667) had already confirmed the title of the English to New Netherland. Nicolls was relieved by Lovelace, who lost the colony to the Dutch in 1673. In the next year, the Peace of Westminster restored New York to the English, Andros governing till Thomas Dongan was appointed to the post in 1683. This Catholic governor took with him Father Thomas Harvey, the first English Jesuit missionary in the future metropolis.<sup>11</sup> It was in the time of Lovelace (1671) that the unintelligible proposal was made to the Propaganda from Paris, about lands discovered by Lorenzo Vanhenskerk, a Florida in the North, whither Capuchin missionaries should be sent.<sup>12</sup>

Political  
vicissitudes,  
1664-1683.

§ 115. On February 28, 1683, the Provincial Father Warner

*Monsig. Nuntio di Colonia rappresenta l'istanza fattagli da [di] un missionario, da molti mercanti cattolici passati nella nuova Batavia in America, non meno per loro [f. 141] aiuto, che per la conversione di quell'idolatri; e che un ecclesiastico assai zelante si era offerto d'inviarvi a proprie spese un buon operaio Olandese; supplica pertanto l'EE. VV. d'approvar questo pensiero, con concedergli le necessarie facoltà. Una simile istanza vien anche fatta dal vescovo di Sebaste, e per quanto può raccorsi è l'istessa; aggiunge solamente incontrarsi questa buona congiuntura, che il governatore di quell' isola è cattolico. Che il sacerdote proposto è un cappellano del residente dell' imperatore all' Haia, huomo di 40 anni, di buona complessione e costumi, e di molta prudenza da saper esplorare lo stato della religione cattolica, e riferirlo. Rescriptum: Arbitrio novi Nuncii mox discessuri. [In margin:] America, Batavia."*

*Ibid., October 3, 1682, f. 242v: "Relationes Eminentissimi Ludovisii. 18: Perché la bo. mem. di Mons. Sanfelice Nuntio di Colonia, prima di partir da quella nuntiatura, fece istanza, che si provedesse la nuova Batavia in America di missionario, che amministrasse i sacramenti a quei cattolici, se ne diede la facoltà al nuovo Nuntio, il quale ne la providde, conforme attesta anche adesso. Avvisa hora, che con l'occasione di esser andati da lui per la consecratione li nuovi prelati d'Olanda, l'hanno ricercato efficacemente d'inviar alla detta missione D. Hildebrando Fussio in aiuto di quello, che vi si trova, e che non può da se solo bastare, né ha tanta abilità e zelo, quanto suppongono che habbia il proposto da loro; il quale anche per esser molto commodò può mantenersi del suo senza alcun aggravio de' cattolici; sopra di che ha egli promesso di scriverne per saperne il senso dell' Eminense Vostre. Rescriptum: Sacra Congregatio annuit, et expédiantur necessariae facultates; et, si quid in subsidium erogandum est, Nuncius moneat, quia libenter præstabitur; moneatur pariter Nuncius, ut omnino mittat nomen illius qui primo missus fuit, ut possit in regestis S. Congregationis adnotari. [In margin:] Armenia [!]."*

The former missionary's name so called for seems to have been Everard Stalpaes van der Wielen, as we learn from a Jesuit correspondent in Holland.

<sup>10</sup> See *infra*, p. 264.

<sup>11</sup> Shea, i. 90.

<sup>12</sup> *Supra*, p. 51. Was all this possibly a faint echo of Kilian Van Renselaer's operations in the direction of Fort Orange? Cf. Winsor, iv. 399, 340.

wrote to the General about the action which he had taken ; and his letter opened an entirely new view of the American mission. It was that of making New York the head and centre, with Maryland as an appendage. The reason given commended itself ; there was the possibility of founding a regular college there. He said : The missionary Father Thomas Harvey goes over to New York, " with the governor of that colony, a Catholic.<sup>1</sup> In the colony there is a respectable city fit for the foundation of a college, if permission be granted.<sup>2</sup> Hither they who live scattered in Maryland can betake themselves ; and from this point they can make excursions to help the Marylanders. The Duke of York, lord of that colony, is wonderfully insistent with Ours on establishing this new mission ; if indeed it can be called new, and not rather an appendage to the old Maryland mission ; and those two colonies are adjoining.<sup>3</sup> And I did not give my consent to the voyage of the said Father Harvey, before the Provincial councillors and other grave Fathers, on being asked for their opinions, answered unanimously that it was to the interest of the Society and to the glory of God that the mission should be founded." <sup>4</sup>

The Provincial's view of New York, 1683.

It was correct to say that New York adjoined Maryland ; because the Duke of York's patent brought his territory down to Delaware Bay,<sup>5</sup> however his rights might at this date have been affected by the new charter issued for Pennsylvania (March 4, 1681). A Maryland Jesuit, like Gulick, who seems to have been the missionary on the Eastern Shore of Maryland,<sup>6</sup> had only to cross the border and meet Father Harvey on his arrival in the adjoining territory. It was precisely at this date that Robert of Poitiers, born on Staten Island, "at Hotbridge [ *Woodbridge, N.J.* ], three miles from Menate, was baptized by a Jesuit come from Mary-Land, and named Master Juillet."<sup>7</sup>

As to the Duke of York's plans with regard to toleration, and naturally a toleration comprising his own religion, the New York colony showed the policy already in operation. He had instructed Governor Andros in 1674 to leave every one in peace and quiet on the subject of religion. Andros reported in 1678 : " There are religions of all sorts ; one Church of

Antecedent toleration in New York.

<sup>1</sup> The first Latin words are not quite intelligible : "*Missionarius P. Thomas Harvaus aîd 9 [?] ad novum Eboracum transit, [cum ?] gubernatore . . .*"

<sup>2</sup> "*Si det facultas* " ; that is, apparently, the permission of the General.

<sup>3</sup> This observation covers the question of the Provincial's power to authorize the enterprise ; which he could not have done, if the new station were outside of his legitimate territory.

<sup>4</sup> Cambridge, Warner's *Note-Book*.

<sup>5</sup> Winsor, iii. 388.

<sup>6</sup> Cf. Documents, I. No. 37.

<sup>7</sup> Shea, i. 90, note 3 ; June, 1683.

England, severall Presbiterians and Independants, Quakers and Anabaptists of severall sects, some Jews; but Presbiterians and Independants most numerous and substantial." <sup>8</sup> The air in New York was certainly freer and fresher than in the neighbouring Massachusetts colony, where at this time the Government declared that one of the "great and provoking evils," for which the Lord had permitted the sachem Philip to wage war against that holy people, was "for suffering the Quakers to dwell among them, and to sett up their thresholds by God's thresholds, contrary to their old laws and resolutions." <sup>9</sup>

The Duke's ulterior intentions, when, as successor to Charles II., he could operate in a wider sphere, seem to have been hinted at in a word of his to Father Thomas Francis Gerard, son of the baronet of Bryn. This Jesuit had presumably been a soldier under the Duke's command. But, having entered the Society in Rome and studied there, he came into England by way of Scotland, just after the Titus Oates' Plot; and, on his way, says Father Warner, he went to pay his respects to the Duke, "who congratulated him on his new military service, bade him take care of himself; for better times would soon follow." <sup>10</sup> Commissioning Colonel Thomas Dongan to be Governor of New York, the Duke inserted in his Instructions no clauses on religion (January 27, 1683). But, when he had become King James II., the new official Instructions issued to Governor Dongan contained a lengthy set of provisions—a formula of office—on the ecclesiastical establishment of the Church of England, under the jurisdiction of the Archbishop of Canterbury; without whose licence not even a schoolmaster could "bee henceforth permitted to come from England and to keep school within our Province of New York." The same paragraph, however, contained a derogating clause: "That noe other person now there, or that shall come from other parts, bee permitted to keep school without your license first had." This left the door open for the Jesuits of the Maryland mission. As to the conscientious qualifications of all persons, holding any office by virtue of a patent, royal or provincial, the same Instructions imposed, besides the special oath of fidelity in

<sup>8</sup> Brodhead, iii. 218, § 11, Instructions, July 1, 1674.—*Ibid.*, 262, § 26, Answers of Andros, April 16, 1678.

<sup>9</sup> *Ibid.*, 248, E. Randolph to Council of Trade, *s.d.* Other "great and provoking evils" were, that men wore long hair, and perriwigs made of women's hair: that women wore borders of hair, and cut, curled and laid out their hair, and followed strange fashions in apparel; that people did not frequent the meetings, or they went away before the blessing was pronounced.

<sup>10</sup> Cambridge, Warner's *Note-Book*; to the General, June 18, 1681.

the execution of the official trust, only the general Oath of Allegiance. The title to the colony being now vested in the Crown, the former additional oath of fealty to the Duke as proprietor naturally disappeared.<sup>11</sup> All this was preparatory to the general Declaration of Indulgence or Toleration in religious matters; a Declaration which elicited such effusive responses of gratitude from the colonies, and which in England precipitated the fall of James II. from the throne.<sup>12</sup>

§ 116. For the introduction of the Jesuits into New York a representative man was selected, in the person of Father Thomas Harvey. He had long been a missionary in England. In 1682 he was arrested by a pursuivant in London. The Latin designation of pursuivant in Father Warner's account is very significant and felicitous; yet it might have been more precise if the vocabulary of old Rome had furnished a word or idea which came up to the actualities of contemporary England. The pursuivant, whom the Greeks would have named a "sycophant," <sup>Vampires : an ancient culture.</sup> Warner calls by the Roman term *quadruplator*; that is, one who informing on another pocketed one-fourth of the spoils taken judicially from the victim. Livy, on one occasion, brings in the consuls as protesting vehemently, though in vain, against a measure which would make the Roman people themselves appear as collusive *quadruplatores*, intervening in the business of others to profit by a share;<sup>1</sup> as certain nations have done by Poland. Now all this business of the old *quadruplator*, though agreeing substantially with the English informer's practice and the people's collusion, was not perfect as a prototype of the actualities in England, either then or for the centuries just before and after. The informer, entering with patriotic aspirations into the maintenance of order and penal laws against others, was limited, not to a fourth, but to a third part of the spoils; and the said limited third part might amount to as much as £50 sterling, equal now to that sum many times over.<sup>2</sup> Generally his share, accorded by the statutes, was one-half of the spoils.<sup>3</sup> In some cases it would appear to have been the whole, amounting to £500 sterling, for one successful adventure at another's expense.<sup>4</sup>

<sup>11</sup> Brodhead, iii. 331-334, January 27, 1683; 369, 372, §§ 3, 31-41, May 29, 1686, 2nd year of the reign.

<sup>12</sup> Cf. Winsor, iii. 410.—*Supra*, p. 111.

<sup>1</sup> Livy, iii. 72.

<sup>2</sup> Cf. *History*, I. 87.

<sup>3</sup> Cf. 1 Jac. I., c. 4, against Jesuits, etc.; 3 Jac. I., c. 4, etc.—*History*, I. p. 89.

<sup>4</sup> 30 Car. II., st. 2, c. 1, the Test Act, against Catholic peers and commoners.—Cf.

The informer's action at law was technically called "popular," with special privileges due to his patriotism. And, far from taking umbrage at being reckoned an accomplice of such vampires, the English nation filled its statute-books with laws building up the fortunes of the petted race. At the same time it filed long accounts of what were called "king's debts" due from the Catholics, until there were scarcely any Papists left, or anything left to Papists, whether parents, children, or posterity unborn—*promiscua pereuntium turba*.<sup>5</sup>

The vampire who fastened on Father Harvey would seem to have been of a degenerate breed; or he may have been in need of ready money; or else have feared the tricks and quirks of the law,<sup>6</sup> since the Government itself was becoming degenerate. The fact is, the animal was allowed by Harvey to suck some blood; and then was content to fall off. Said Warner to the General: "Father Thomas Harvey also had been taken by an informer, *quadruplatore*, who, being soothed with a little money, let him escape."<sup>7</sup>

With the gradual subsidence of the Titus Oates mania, the Government of Charles II. was becoming more boneless and spineless than ever in its bounden duty of hounding the Catholics. No Puritan keenness of scent was needed to catch the trail of favouritism towards the Church, which probably Charles's looseness of moral behaviour and principle did alone prevent him from entering, with the English crown on his head. He had gone so far as to interfere with the execution of the priests, still under sentence of death for the Oates Plot; and had ordered their deportation to the islands.<sup>8</sup> And soon the public scandal was to be witnessed under his successor, James II., of a Jesuit college

Anstey, p. 46.—Cf. *Ibid.*, 36, 37, a summary of the wholesale forfeitures for non-conformity.

<sup>5</sup> Where common informers had preyed on others than Catholics, they had become a common plague. The nuisance had been met by 18 Eliz., c. 5; made perpetual, 27 Eliz., c. 10.

<sup>6</sup> Cf. *History*, I. 107, note 10.

<sup>7</sup> Cambridge, Warner's *Note-Book*, November 6, 1682.

<sup>8</sup> "*Nihil ex Anglia accepi, nisi quod confirmetur, mandatum a Rege Sacerdotum morti adjudicatorum deportationem in Insulas Sorlingas* [?]" (*Angl. Hist.* vi. p. 165, J. Warner, Ghent, January 15, 1682, to C. Noyelle, Vicar-General). From this it would appear that Catholics were meeting with identical treatment from friends and foes. Oromwell had relegated to the West Indies some 12,000 Irish Catholics, as Father John Grace, an Irish secular priest of Cashel, computed (1667-1669), for Martinique, Barbados, Guadeloupe, Nevis, Angioa [*Antigua*?], and Montserrat. (*Prop., Acta*, September 17, 1669, pp. 432, 438.—Cf. *History*, I. 315.) Now it was the English priests' turn, at the hands of their dear friend, the Stuart.

opened in the Palace of the Savoy, London (after Trinity Sunday, 1687); which, some six years after it had been prematurely suffocated, Governor Francis Nicholson, of Maryland, his council and the house of burgesses, all joined in stigmatizing with dogmatic severity, as "that shop of poisoning principles set open in the Savoy."<sup>9</sup>

§ 117. Harvey, nominated for New York, was a man forty-eight years of age, twenty years in the Society, unexceptionable in point of talents and practical abilities. The General approved as well of the enterprise itself, as of the Provincial's "circumspection in granting" this Father.<sup>1</sup> Henry Harrison then followed; an energetic young man, thirty-two years of age, and twelve in the Society. Sixteen years later, when he embarked once more for America and was never heard of again, his experience had comprised not only domestic and public ministry at Watten and Liège, but also the apostolic life in New York, Maryland, Ireland, England, and Loretto in Italy. Once he had been captured by Dutch pirates. With all that, his health and strength were only mediocre; but he was commended for his natural parts and learning. Father Charles Gage lent his services to the New York party; he returned, however, to England before the Orange Revolution broke out.<sup>2</sup>

Fathers  
Harvey,  
Harrison, and  
Gage.

As to the operations of these Fathers in New York (1683–1689), we know more about them through Jacob Leisler, the local rebel chief of the Revolution, than from any notices before the missionaries were expelled. A Jesuit school was opened; and Colonel Dongan seems to have granted for it the use of the King's Farm, with the intention of making the grant permanent; albeit, as Lord Bellomont complained, that property was "the Governor's demesne." The school was patronized by Mr. West, town clerk, by Mr. Graham, member of Council, Judge Palmer, and Captain Tudor. Leisler said that "no boddy imitating them, the collidge vanished"; but the statement does not bear the aspect of verisimilitude. Mr. Matthew Plowman, collector of New York, the members of Council, Major Brockholes and Gervais Baxter, were Catholics; Captain Webb, of Richmond County, was also a Catholic; not to mention the assertion of a rebel company about the Papists

Patronage of  
the Jesuit  
school.

<sup>9</sup> Lambeth Pal. MSS., No. 953, doc. 24; to Thomas, Bishop of Lincoln, October 18, 1694.—Of. Perry, *Md.*, p. 2.

<sup>1</sup> Documents, I. No. 6, H<sup>2</sup>; March 27, 1688.

<sup>2</sup> Charles Gage is registered in the catalogues as being at New York, 1686, 1687.

of Staten Island, as if they were a power. The rebels added that a good portion of the soldiers in fort were already Papists.<sup>3</sup>

The king being a Catholic, the customary tirades against Popery seem to have been interdicted virtually; not, we presume, by any formal order. Still, the fact that three English Jesuits **Anti-Jesuit antiseptics.** were in the New York province created a perilous state of things; the more so, as they spoke also French and Dutch.<sup>4</sup> The Rev. Godfrey Dellius, Reformed minister at Albany, but otherwise a gentleman on good terms with Catholic missionaries, became seriously alarmed, when one or more of these English Jesuits appeared in Albany. He held special exercises for the members of his congregation, and for impressionable youth, to protect all against the seduction then threatening. He was also credited with having preached during four months, both on sabbaths and week days, in a polemic vein against Popery.<sup>5</sup>

The great character among these Jesuits was Father John Smith, that is, Thomas Harvey. Captain McKensie, who "never so much **Harvey's admirers.** as out of curiosity looked into their chappell," was nevertheless an admirer of Father Smith, whom he pronounced "a very good man," and "a very good-humoured man"; and when the Revolution had been accomplished he did so still, and that to Leisler's face. The Rev. Alexander Innes, chaplain of the Episcopalians, compromised himself considerably by the views which he expressed at this time about Jesuits; affirming that they "were good people." His accusers after the Revolution went on to depose that, according to Innes, the Jesuits "were only for the true service of God, and that all was calumny which was trone upon them; he declared also that he believed the Papist Purgatory, and that the Catholic Romish religion was the best and true reliigion; and that all them that left and went from them were chismaticks and heritiks; and further that his opinion was, that common people should not be suffered to read the Scripture, nor to dispute about religion, because they were unlearned; and he maintained the necessity of the auriculare confession." This damaging deposition, like so many others of the kind, was signed by Gerard Beekman, Justice.

In New York, temporal means were not allowed to be wanting for the service of the Jesuits. Sixty pounds were "payd yearly to

<sup>3</sup> P. R. O., 578, N. Y., ff. 193, 210, 268.—O'Callaghan, ii. 23, 262.—Cf. Brodhead, biographical notices.—On the King's Farm, *Ibid.*, iv. 490.—Cf. *infra*, p. 152, note 11.

<sup>4</sup> Their sojourn in the Low Countries, at St. Omers, Watten, Liège, may have qualified them for Dutch. Father Harrison was born at Antwerp.

<sup>5</sup> *Researches*, xx. 90, the Classis of Amsterdam, December 29, 1700, to Bellomont.

two Romish priests that attended on Governor Dongan," as the New York council noted in its minutes. But the same council passed the said money over, at a later date, to a more unobjectionable subject, the Rev. Doctor Godfridus Dellius.

Governor Dongan was displaced in the early part of 1688, and Sir Edmund Andros, then in charge of Massachusetts, was commissioned to take over New York and other colonies. The long-suffering people, who had witnessed all this Romanizing, began to breathe freely. They had Deputy-Governor Francis Nicholson in the fort "to defend and establish the true religion," which seemed to be sorely in need of cannon <sup>Nicholson and the priests.</sup> to maintain it; and Sir Edmund Andros was no Papist. The good soldiers now thought that surely "all images erected by Coll. Thomas Dongan in the fort should be taken away and brooke down"; and, in fact, the men were ordered by Nicholson "to help the priest, John Smith, to remove; of which wee were glad," deposed the ingenuous soldiers. "But," they subjoined sadly, "[it] was soon done; because said remove was not far aff, but in[to] a better roome in the fort; and [we were] ordered to make all things for said priests according to his will, and perfectly, and to erect all things as he ordered." This deposition was sworn to before Jacob Leisler, the rebel lieutenant-governor.

Nay, a young man recently from England did offer to swear that Francis Nicholson himself, "the late Lieutenant-Governor of the fort at New York," was a Papist; for in 1686, some time in July and August, the deponent did see him "severall times at the Masse, but especially two times at the Kings tent at Hunsloheath in old England, being there to exercise his devotion, and did [see] the same upon his knees before the alter in the Papist chappell, where the Masse was said." This offer of Nicholas Browne to declare the same upon oath was accepted; and Gerard Beekman, Justice, did testify that Browne "swore before me the Bovesaid to be the truth."<sup>6</sup>

§ 118. On the news arriving in the colonies that the Prince of Orange had seized the English crown, Andros was seized in Boston and imprisoned. Nicholson, Lieutenant-Governor of New York, allowed Leisler, a militia captain, to carry all before him. Father Harrison took shipping, ran many risks at sea, was taken by Dutch pirates and robbed, but

Harvey's protector, and Bellomont.

<sup>6</sup> P. R. O., 578, N. Y., ff. 178, 179, 191, 197, 198.—*Ibid.*, Col. Entry-Book, 75, N. Y., pp. 16, 17.—Brodhead, iii. 618.



arrived safely in France.<sup>1</sup> Father Harvey weathered the local storm awhile. He was received into the house of a councillor, Mr. Pinhorne; which act of hospitality cost Mr. Pinhorne dear—not exactly then, but nine years afterwards.

For, nine years later, long after Jacob Leisler had been hanged and buried, another, differing in elegance and style from the Dutch rebel, but not unlike him in many respects, was chief executive officer of the New York government. This was Richard Coote, Lord Bellomont, a devoted servant of the Dutch king in England, and not less devoted to his own particular interests which he was serving in America. His hand was against everybody. His despatches, written in a manner worthy of a Member of Parliament, were as full of gall as if he were a member of Jack Coode's or Jacob Leisler's committee of safety. His contempt for everything local, and his necessities as a needy lord, shaped his policy to suit his purse; he put men out of office and he put men in; he rescinded contracts made by his predecessor to make better ones for himself; and all the while he cringed before the great people in London, who should understand how unimpeachably correct was everything that he did, even his sharing in piratical jobs, and how true were the stories that he wrote.<sup>2</sup> A recent editor of *Colonial Calendars*, published by the Record Office in London, has thought everything so valuable which Bellomont wrote that he has swelled out a volume with transcripts of my lord's despatches, apparently thinking the matter history, because the writer was a lord;<sup>3</sup> as perhaps a successor will do with Francis Nicholson's reports from Maryland, because the writer was a governor.

Well, Lord Bellomont wished to see Mr. Pinhorne, the councillor, out of office. He put the gentleman out, suspending him from the council and a judgeship. Bellomont had to justify this action before the Lords of Trade. He did so, by essaying to prove, not Pinhorne a guilty man, but the accusers innocent people. He wrote: Mr. Earle "is a man of good estate, I am told, in East Jarzie, and I

<sup>1</sup> Documents, I. No. 8, L<sup>a</sup>.

<sup>2</sup> *Infra*, p. 158, note 11.

<sup>3</sup> P. R. O., *Cal.*, xiii. 1700, edited by Cecil Headlam, M.A. This volume, purporting to be a *Calendar*, is such as, on the score of historical discrimination, to discredit the series with American scholars. A quantity of matter, chiefly Bellomont's, has been reprinted in full, when Brodhead's *Documents relating to the Colonial History of the State of New York* rendered the reprinting quite superfluous, and apparently at variance with the rules laid down for editors by the Master of the Rolls. Headlam's editorial Prefaces for this and the previous volume (1699) may not be quite on the same level as those of his predecessor, Fortescue; but both of them seem to have regarded American colonial affairs as a legitimate object for burlesque sketching of what lies in the *Calendars*, without any conception of proportion or perspective. This volume (1700) is swollen to double its legitimate size by letting us know what a lord says—and that lord, Bellomont!

could see nothing in his or his mother's behaviour, that made me suspect the truth of their evidence." When Bellomont came to palliating his high-handed proceedings, he enlarged on Pinhorne's Jacobitism and on his own sagacity in this wise: "I was induced to beleive the charge against him was true, he looking at the same time very guilty; and what further confirmed me in the beleif of his guilt was their accusing him of harbouring and entertaining one Smith, a Jesuit, in his house, three or four months about that time:<sup>4</sup> to which he replied that the said Jesuit had not been in his house above three weeks or a month."<sup>5</sup> The historical fact is interesting. The gubernatorial discernment was penetrating.

The local storm of the Orange Revolution made New York untenable for all parties, except the rebel adherents of Leisler and his committee of safety. Their agent, Joost Stol, operating in London, asked on behalf of Leisler for a royal "com-  
The political situation.  
mission 'of executing power against all rebels, Papists, and disaffected persons, and opposers against our Souveraigne Lord and Lady," William of Orange and Mary; as well as a commission also for "conquering Canada."<sup>6</sup> But, on the subject of these new sovereigns, lord and lady, it was observed in the bosom of the committee of safety, that "there has been no legall King in England since Oliver's [*Cromwell's*] days"; and it was still more pointedly remarked by the new governor, Phips of Massachusetts, speaking to a rebel: "If what Governour Leisler and you have done is ill, how does their Majesties sitt upon the throne?"<sup>7</sup> The argument seemed as unassailable as the situation. The one title to success, of both Leisler and the Prince of Orange, was identical. It was that of Dutch Calvinism bestriding British Popery.

Father Harvey betook himself to Maryland, where he seems to have become known as Father Smyth of Talbot County, on the Eastern Shore.<sup>8</sup> In 1690 he was back at his post in New York, as Thomas Barton. He remained there for several years under Governors Sloughter and Fletcher.<sup>9</sup> Of the former governor we may note that he hanged  
Harvey's final defeat.  
Trinity Church interests.

<sup>4</sup> Apparently, the time of the Orange Revolution.

<sup>5</sup> Brodhead, iv. 815, 816, 898; Bellomont, May 25, October 21, 1698, to Lords of Trade.

<sup>6</sup> Brodhead, iii. 681, "A catholicall Briefe Information," November 9, 1689

<sup>7</sup> P. R. O., 578, N. Y., f. 268, Tudor, 1689, to Nicholson.—*Ibid.*, *Mass. Bay*, .561, f. 19, A. Gouverneur, October 12, 1692, reporting Phips' words to him.

<sup>8</sup> Documents, I. No. 8, L<sup>2</sup>.—*Researches*, xiv. 177, 178, will of Peter Debuc, Philadelphia, October 14, 1693, bequeathing £50, silver money, to "Father Smyth, now or late of Talbott County."

<sup>9</sup> The catalogues, 1690-1693, report Thomas Barton as at New York, and alone. The next extant is for 1696, when he is in Maryland. See Appendix F, No. 89.

Leisler, whom the Orange authorities in London vindicated, after interment. Of the latter, Governor Fletcher, we must record that, as one person described him sarcastically, but as the Vestry of Trinity Church delivered itself seriously, Governor Fletcher was a very pious Churchman.

To this very incidental circumstance in political affairs, that the governor was pious, we are inclined to attribute the final defeat of Father Harvey, and his withdrawal from New York; precisely because of Colonel Fletcher's intimate relations with the Vestry of Trinity Church. For, if that gentleman was so pious, we may infer that his wife was more so. And though the gallant colonel, who had charge of politics, might not descend to an affair of the sacristy, his pious lady, who must have taken interest in the sacristy, did certainly invoke the power of politics. The annual letter tells us that she expelled Father Harvey from New York. Without hazarding a statement, we think that the land title to the King's Farm was at the bottom of the trouble. The documentary record for 1696 simply reads: In New York "one of ours spent seven years; but three years ago he was forced to leave, owing to the fury of the wife of the new governor that had been appointed by the Prince of Orange; not indeed that he was expelled on the plea of religion, but that he had been denounced as capable of bringing over many to the service of their legitimate King James; and so he came into Maryland."<sup>10</sup> As it is quite clear that the governor, Colonel Fletcher, had no need of his wife's interposition to police the province against Jacobites, we infer that "the fury" of the lady for the political integrity of New York was a screen to mask something else.<sup>11</sup> In 1696 Harvey died in Maryland, at the age of seventy-one.

<sup>10</sup> Documents, I. No. 8, O<sup>3</sup>.

<sup>11</sup> An inquisitive mind may put together the following circumstances: A provisional title of some kind to the possession of King's Farm granted by Dongan to Harvey for a Jesuit school (Brodhead, iv. 490; Bellomont, April 13, 1699). "Council, Fort William Henry, July 4, 1691. Upon reading of the petition of John Smith setting forth that he had been in Coll. Dongan's time deprived of an equal privilege with his neighbours, the freeholders of the City of New Yorke, by the Mayor, Aldermen and Commonalty of the s<sup>d</sup> City, the Petitioner is referred to the present Mayor and Aldermen, etc. [?], that some way may be found by them for an equitable releife, as others in like cases have done" (P. R. O., *Entry-Book*, 75, N. Y.). Among the notable John Smiths of the time, Father Harvey may seem the least unlikely here, as to the date of the petition and other circumstances; though there was, in 1700, a "Parson Smith" whom Bellomont suspended (Brodhead, iv. 719). Col. Fletcher "gave birth to this Church" (*Ibid.*, 527, Churchwardens and Vestry of Trinity Church, May 22, 1699, to Archbishop Tenison.—Cf. *Ibid.*, 224, La Noy's sarcasm). He gave it a seven years' lease of a small farm, usually a perquisite of the governor (*Ibid.*, 527). Bellomont, Fletcher's successor, was very indignant at these Trinity Church transactions, and gallantly aspersed the lady's memory, to

the effect that she had been implicated in certain piratical transactions (*Ibid.*, 307). She had died in 1696. Fletcher gave the lease to the vestry, November, 1697, just when Bellomont was appointed to succeed him (*Ibid.*, 462, 463, 478, 490). For a diagram of New York in 1695, showing the King's Farm, as well as the chapel in the fort, see Winsor, v. 253.

Bellomont's aspersions on others with respect to piratical transactions had a reflex bearing. Before receiving his commission for New York, he had signed *Articles of Agreement* with the notorious pirate, Captain Kidd (*Ibid.* iv. 762-765; October 10, 1695). His defence in later times purported to show how innocent he had been. But Bellomont, Kidd, and the substantive facts of piracy remain much intertwined in the state papers (*Ibid.*, iv., *passim*).

## CHAPTER X

### ANTI-POPERY IN THE COLONIES

§ 119. Maryland cleared of Jesuits: 1689. § 120. Virginia cleared of Papists: 1689-1693. § 121. The statutory plan of campaign in Parliament: 1699. § 122. Law against the Growth of Popery: 1699. § 123. Extension of the campaign, Orange-Hanoverian. § 124. Acadia: administrative fraud: 1730-1755. § 125. Pennsylvania proceedings. § 126. New York. John Ury. § 127. Massachusetts. Anti-Jesuit law: 1691-1700. § 128. Georgia. North Carolina. § 129. Barbados. § 130. Leeward Islands. Anti-Papist law: 1701-1752. § 131. Anti-Papist nepotism. § 132. Nevis: a repeal and appeal: 1752.

**Manuscript Sources:** Archives S.J., *Catalogi*.—(London), British Museum MSS., 19,069; *Add.* 30,372.—Public Record Office, *America and West Indies*; *Board of Trade*; *Colonial Papers*; *Entry-Books*.—Stonyhurst MSS., MS. B. 1, 15.

**Published Sources:** Hughes, *Documents*, I. Part i., of this series, *History S.J.*—*Abridgement of Laws*.—Akins, *Documents of Nova Scotia*.—Amherst, *Catholic Emancipation*, i.—Bancroft, *History U.S.*—Brodhead, *Documents*, iv., v., vi., vii.—Burk, *History of Virginia*, ii.—Butler, *Historical Memoirs*, iii.—(Virginia), *Calendar of Virginia State Papers*, i.—(Georgia), *Colonial Records of Georgia*, i., iii.—Dodd, *Church History*, iii.—Finlason, *Mortmain*.—Hallam, *Constitutional History*, ii.—Hawks, *Contributions to Ecclesiastical History U.S.*, ii.—Hazard, *Pennsylvania Archives*.—*Johns Hopkins University Studies*, 11th series, v., vi.—2 Kent, *Commentaries*, lect. xxv.—Lecky, *History of England*, i., ii.; *Ireland*, i.—Macaulay, *History of England*, ii.—O'Callaghan, *Documentary History of New York*, iii.—Public Record Office, *Calendars, A. & W.I.*, v., vii., viii.—*Records and Studies*, ii.—*Researches*, vii., x., xi., xiii., xiv., xvi., xxi., xxii., xxv.—Scharf, *History of Maryland*, i.—Shea, *History of the Catholic Church in U.S.*, i.—*Statutes of the Realm*.

THIS chapter depicts the background of Catholicity, in the life and politics of the eighteenth century. It leaves no part of the colonial world exempt from contributions to the Jesuit and Catholic question. It shows the outbreak and predominance of a spirit, which often had

been quiescent, but now became active under the impulse of Orange legislation. The passion was energetic as a chemical reagent, springing into action wherever it encountered Popery. The Orange Revolution itself was an anti-Catholic movement.

The statutory provisions resulting were not merely revolutionary in the political constitution of the realm, nor merely reversionary to the religious persecution of Tudor sovereigns. They were of a novel kind in their cast and effects. By methods more drastic because less brutal, Catholicism was hunted out of every corner of political life, and along every path of social life. Among the colonies there was not one but showed its fidelity to this Orange policy. The scenes varied with persons and localities. The movement was modified by no latitude.

The Jesuits, of whom we have heard already that they were held up as being in Europe "the terror of the whole Protestant world," had the honour, whether present or absent, of being treated as such a remote but grandiose terror merited. Indeed, "the Jesuit or Popish priest" might be distant many geographical degrees away; yet his shadow from afar off brought upon Catholic lay people near at hand the discriminating attentions which are recorded in this chapter. Here the instinct was correct. For an inspired page tells us that, if the priesthood remains, the law of religion abides; if the priesthood is changed or done away with, the law itself is abolished.

§ 119. The Revolution having been accomplished in England, a set of conspirators in Maryland made the country ring with an alarm of Indians and Papists, who were said to be <sup>The method</sup> organizing an irruption for the end of August, 1689. <sup>of revolution.</sup> From March onwards the people were kept in a state of fright. Captain Coode, formerly a minister of the Anglican Church, led an armed force at the end of July to attack the regular government. He made the authorities surrender, convoked an assembly, and waged an active war on Papists, whom he ousted from all their offices. The Jesuit records say briefly: "Our missions in the West Indies, that is, Maryland and New York, have met with the same fate as England. . . . In Maryland the priests had to face many difficulties. Still they remain, lending assistance as best they can to those unfortunate Catholics." Again it is said that the Revolution inflicted very many losses on the Fathers. Speaking of Virginia, a report of some years after the convulsion mentions a mission which was being conducted there, but was broken up by the local Protestant

opposition. The report says that, besides Harvey from New York, "another missionary from Virginia has been compelled to withdraw and betake himself to Maryland. All the English inhabitants insisted on it. He had been conducting a mission under the pretext of teaching the sons of a very rich merchant, who was not averse to the Catholic religion."<sup>1</sup> Nevertheless, at the moment of the Revolution, Virginia was a place of refuge for the priests.

The Spanish ambassador in London, addressing the home authorities, summed up the Maryland disorders in the following terms: "After this last change, those who obtained the upper hand have, in violation of the said law [*of toleration*], seized all the chapels which belonged to the Catholics, and had even been built by them. They have also by their violence forced all the priests to quit the country, except one, whom they have constrained to stay at home by a long imprisonment, and so prevented him from exercising his priestly office, even from giving baptism, or helping the dying." The ambassador presumed that these disorders occurred "against the wish, order or knowledge of their Majesties," who, he desired, should be informed, so that Catholics and priests might "be permitted to live with the same liberty which they enjoyed according to the law of this province, during the last three reigns."<sup>2</sup>

In a letter of Coode's to Bacon, then in charge of Virginia, the statement was made baldly and truly, that the former Government was disabled "upon the alone account of being Papists, by the Kings Proclamation to America." Amid the mass of statements in the *Declaration* of the conspirators, some of the alleged Papistical abuses were: "In the next place, churches and chappells, which by the said Charter should be built and consecrated according to the ecclesiasticall lawes of the kingdome of England, to our greate regrett and discouragement of our religion are erected and converted to the use of Popish idolatry and superstition; Jesuits and seminarie priests are the onely incumbents (for which their is a supply provided by sending our Popish youth to be educated at St. Ormes [*St. Omer's*]). As alsoe the chiefe adviser and counsellors in affaires of government; and the richest and most fertile land sett apart for their use and maintenance; while other lands that are piously intended and given for the maintenance of the

<sup>1</sup> Documents, I. No. 8, L<sup>2</sup>, M<sup>2</sup>, 1690; O<sup>2</sup>, 1696.

<sup>2</sup> P. R. O., *Md.*, 556, f. 96, Mem. in French: "R[ecieved] from the Spanish Amb<sup>r</sup>, Decemb., 1691."—Cf. *Ibid.*, *ad init.*, Rev. P. Bertrand, Patuxent, September 12, 1689, to Bishop of London.

Protestant ministrye become escheate and are taken as forfeit, the ministers themselves discouraged, and noe care taken for their subsistance.”<sup>3</sup>

The respect professed here for a king's proclamation and the reverence manifested for religion were conformable the one with the other. For, as to proclamations, that of King James II. had recently enjoined a general toleration. Yet the agitators had ousted Papists from office and home. In like manner with regard to religion, the amount of meaning in the word thus flung about corresponded to the substance of the thing as represented in the revolutionists. They had for their chief the ex-parson Coode. No otherwise than in New York, where a time came promptly for sending the revolutionary chief Leisler to the gallows, so a day arrived in Maryland for ousting Jack Coode from the assembly which he was attempting still to adorn. Then it was averred on oath, whatever may have been the value of the asseverations, that Coode blasphemed the Holy Trinity; that he propounded, “It was all one to serve God or the Divell; religion is but policy”; and that of friend Lumley he said, “It was a pity he should be a Papist, tho’ he thought all religion to be a sham.” This last observation insinuated a contrast between the substance of religion, for which friend Lumley with other Papists had to bear as well as forbear, and the clothes of religion, which a good many people were wearing to their temporal advantage. Coode took an oath of his own, that he was not a priest. This, at least, was a true affirmation. It was better than that with which the governor and council traversed it; sending down word to the burgesses, that persons like Coode in Holy Orders have “an indelible character stamped upon them, which cannot be taken of, but by the Ordinary or power by which it was conferred.” Here his Excellency and their Honours were making Coode a priest and a parson together; and “an indelible character” a delible one. Governor Nicholson finally induced the gentlemen of the assembly to wash their hands of Colonel Coode. That was some seven years later.<sup>4</sup> But, at our present date, it was the same Jack Coode who

Character of a  
revolutionary  
leader.

<sup>3</sup> P. R. O., *Md.*, f. 88, J. Coode, February 8, 1689 [1690], to Bacon, Va.—Scharf, i. 311, *Declaration*, July 25, 1689.

<sup>4</sup> P. R. O., *Md.*, 557, ff. 159–166; September 18–22, 1696. The whole Coode episode in these folios would be well worth reproducing for the entertainment of mankind.

If we consult McMahon here, we find several curious appreciations of the whole business. According to him, Coode was only one of “the muddy particles” which floated upon “the perturbed stream” of the Orange Revolution. But, says he, the



was putting everything in order for such assemblies to sit, and such governors to come.

Coode, as acting chief of Maryland, applied to Mr. Bacon, President of the Council in Virginia, for the surrender of his Majesty's "professed enemyes," who had fled into that adjoining plantation. He specified in particular "one **Anti-Papist remonstrance with Virginia.** Cannon and Hubbard, Popish priests." He mentioned "one Gulick, a Jesuit, fled for treasonable words against their Majesties (as I am informed)." He indicated where the Franciscan, Hubbard, was to be found, "at his Popish patrons, Mr. Brents in Stafford Co." But the Virginians were not at all so obliging as the colonial governments to the northward of Maryland; they, wrote Coode, are "vigilant and kind to us in that particular; therefore I am forced to repeate my forementioned request." This compliment to the north, and animadversion on the south fell alike on deaf ears.<sup>5</sup>

About this time, there had been a Father Edmonds or Raymond in Virginia, who, being brought to task for having performed the ceremony of marriage, had defied the local authorities (September 15, 1687). He pleaded King James II.'s proclamation for liberty of conscience as a sufficient warrant for what he had done; and he announced further operations of his under the same royal authorization. He would say Mass and perform other rites of the Church at "the house of Mr. Charles Egerton, the house of Captain Robert Jordan, and the house of Henry Asdick." After two hearings, the county justices conceived that they were not ecclesiastical enough for the case. One, indeed, was a lieutenant-colonel, and the others were equally plain messieurs. So the justices bound parties over to appear before an "Ecclesiasticall

muddy stream below should not be judged by the particles floating on top. As to the other particles, the gentlemen in the subaqueous regions, "it would not be fair to infer" from the specimens afloat, that they also "were actuated by similar designs, so far removed from a genuine regard for the public interests and the preservation of religion," as the surface wash exhibited. McMahon then gives in a lengthy note a review of Coode's melancholy experiences, till this "muddy particle" settled into its place, out of sight. And he closes with the *epiphonema*: "*Sic transit gloria mundi!*" We had never known there was much refulgence of glory in mud. However, that exclamation of McMahon's may have been only his antiphon to Governor Nicholson's sentiment about "the glory of God," on getting rid of Coode. For the governor sent down a message to the delegates, hoping that they would "now proceed to do such things as may tend to the glory of God," etc. (*loc. cit.*, i. 166.). Scharf has quoted at length McMahon's biographical review; but he has left out the obituary plaudit at the end, about the glory of the world passing away with Coode. (McMahon, pp. 238, 239.—Scharf, i. 309, 310, note.)

<sup>5</sup> P. R. O., *Md.*, i. 88, February 8, 1690, Coode to Bacon.—*B. T.*, *Md.*, 2, November 16, 1689, same to same.—*Entry-Book*, 52, pp. 166-169, January 10, 1690, same to same; 164-166, May 9, 1690, N. Bacon, exculpating Gulick.

Court," to wit, his Excellency the lay governor, and his assessors, the other lay men of the next General Court.

Virginia was organized on purest Church of England principles. As a lay king, even we must suppose the Catholic King James II., was the head of that Church, the delegation or devolution of ecclesiastical authority from layman to layman <sup>Virginia and ecclesiasticism.</sup> was in perfect order. The Virginians seem to have conceived it so. The governor and council addressed the Catholic king, James II., in most fulsome terms, on "that unparalleled, unexpressable Act of Grace, your Majesties Royall Declaration [*of Indulgence*] of the fourth Aprill last." They felt themselves unequal, in presence of "such a transcendant blessing," to express, as they said, "the least degree of our joys that we live in the true golden age, under so greate, so gracious, so glorious a King in full peace and plenty, and in the uninterrupted enjoyments of our religion as by law established, and of our liberties and properties." They would appear to be satisfied, if the Church of England was not abolished, when all other forms of religion were allowed by the Declaration to live. Be that as it may, Raymond, or Edmonds, went his way unmolested.<sup>6</sup>

The net result of the Orange Revolution, as affecting Jesuit affairs, was in brief as follows:—Two missionaries fugitives from New York, one sailing to Europe, the other taking refuge on the Eastern Shore of Maryland; one missionary <sup>The bill of Jesuit damages.</sup> imprisoned in Maryland, two fugitives in Virginia; in England, "nineteen in prison, of whom some have been let out recently on bail; forty-six expelled from England on account of the late invasion of the Prince of Orange."<sup>7</sup> The British realm and

<sup>6</sup> *Researches*, x. 73; xxii. (1905), 238, from *Norfolk Co. Records*, September 15, November 16, 1687, *re* Edmonds, or Raymond.—P. R. O., *Col. Papers*, No. 65, Va., 1685–1688; February 14, 1688 [?], Va. Council's address; signed by Lord Effingham, Nathaniel Bacon, Nicho. Spencer, and five others.

Who Cannon was we cannot determine, any more than who Raymond might be. These and the Jesuit Gulick were quietly tolerated in that colony; until within six years, "all the English insisted" that a certain Jesuit, who was conducting a mission in Virginia "under the pretext of teaching the sons of a very rich merchant," should be excluded from the rights of hospitality. The missionary returned to Maryland (*Documents*, I. No. 8, O<sup>9</sup>). Thus, while Coode was lording it over Maryland, we have one of the Jesuit priests accounted for—that is, Gulick in Virginia. As to others, Cannon, who also was in Virginia, and Raymond or Edmonds, we may be inclined to consider that the names designated Jesuits or Franciscans when working in that plantation. The solitary priest kept imprisoned in Maryland was not improbably the superior of the mission, Father Francis Pennington. Mr. Thomas Hothersall, not being a priest, and three who were lay brothers, remained no doubt quietly on the farms. When, within six years, the Jesuit was expelled from Virginia, we can only surmise that it was John Matthews who died at the end of 1694, or else one of two new-comers, Father William Hunter or John Hall. In 1694, Nicholas Gulick was no longer a member of the Society.

<sup>7</sup> *Anglia, Catal.*, 8, 1689.

outlying dominions might begin to breathe freely. At that time the English Province counted "in the Continental colleges 187 members; in the Mission of England, 101; in the Indian Missions [*Maryland, New York*], 9; outside of the Province, 31." <sup>8</sup>

§ 120. In Virginia the anti-Catholic forces let loose by the Revolution resumed their wonted activity, as everywhere else. The provocation given by the Papists in that plantation was not very exasperating. The governor, Lord Culpeper, had reported, in 1681, that amid a population of 70,000 or 80,000, of whom 15,000 were servants and 3000 blacks, there were to be found about 150 dissenters from the Church of England who called themselves "Sweet Singers"; and there was to be found just one Papist.<sup>1</sup> The lonely Papist being unequal to an insurrection, agitators had represented the Maryland Catholics as coming in with the Indians for a general massacre of the Protestants. The Virginia council exerted itself to quell the agitation; and the happy accomplishment of the Revolution in England stilled it.<sup>2</sup> That, however, only opened the way for the subsequent persecution of individual Catholics.

The Catholic lawyer to whom Coode alluded, Mr. George Brent, had undertaken, with three gentlemen of London, to purchase thirty thousand acres in Virginia of Lord Culpeper, and had obtained from James II. a royal warrant of religious freedom (February 10, 1687).<sup>3</sup> Immediately after the Revolution, Richard Gibson, complainant, cited George and Robert Brent, lawyers, before the court in Stafford County, as being Popish recusants, who, if they took not the Protestant oaths appointed, were to be disbarred (October 6, 1691). In the two following years the case was pressed forward, and was finally referred by the county court to the council of Virginia.<sup>4</sup>

\* *Anglia, Catal.*, 3, 1689.—The Fathers were never safe from finding themselves lodged outside of the Province in an irregular way. Thus we observe that again, in 1696, the Provincial and eight other Jesuits were lodged in jail (*Anglia, Epist. Gen.*, May 12, July 6, 1696, the General to J. Persall, Rector at Liège).

<sup>1</sup> P. R. O., *Cal.*, vi. §§ 805, 820; November 26, (December), 1681.

<sup>2</sup> *Ibid.*, viii. §§ 91, 98, April 26, 29, 1689; council of Virginia to Lords of Trade.—Cf. *Researches*, xi. 108, 104.—A similar difference between the liberality of the Virginia council and the fury of popular clamour may be discerned a few years later, when, on occasion of the attempt against the royal persons in England, the address of Governor Andros made no mention of Papists as implicated, but that of King William and Mary College brought in "the late horrible conspiracy of Papists and other wicked and traitorous persons" (P. R. O., *Va.*, 16, ff. 1, 2; "June, 1696 [?]").

<sup>3</sup> Shea, i. 97.—Col. Philip Ludwell, councillor of Virginia and agent for Lord Culpeper's heirs, becoming Governor of Carolina, made G. Brent his deputy-agent in Virginia (P. R. O., *Cal.*, viii. § 1028, ii., July 10, 1690; § 1164, vi.).

<sup>4</sup> *Virginia, Cal.*, i. 46, 47; May 18, 1698.

At the same time a certain Joseph Bridger, who happened to be the administrator of the estate of Christopher Homes, deceased, and to be godfather of Christopher Homes, only son of the deceased, both presumably Catholics, presented an humble petition to Governor Nicholson and the Council of State, to obtain possession of the infant son and educate him in the Protestant religion. Peter Blake of Nansemond County, "a professed Papist and contemner and slighter of the publick worship of God, as it is established by the lawes of England and Virginia," had charge of the said infant. Now, according to the English statute, 3 James I., ch. 5, "it was by that Parliament thought fitt that, as noe romish recusant were not thought meet or fitt to bee executors or administrators to any person or persons whatsoever, not to have the education of their owne children, much less of the children of any of the King's subjects," so had it been enacted; and Bridger claimed the delivery to his own tender mercies of Blake's young charge, the administration of whose estate he had already secured, by petition to the Isle-Wight county court.<sup>5</sup> The harpy presented no warrant or claim, under will or confidential trust, or by kinship; nor did he affirm that the English statute, passed on occasion of the Gunpowder Plot before Virginia was founded, had ever been re-enacted in that colony;<sup>6</sup> though it was a set principle in London, with regard to the plantations, that the laws of England could not be applied in another country, where the constitution differed from that of England. Whatever was the end of this case, the tenor of Virginian legislation henceforth, interrupted awhile by a spell of liberality, resumed its original character, which we sketch briefly.

Popish recusants were disabled from holding any office; Popish priests were subject to deportation within five days (March, 1642). Recusants (including Quakers) were fined £20 sterling for every month's absence from the Anglican parish chapel, with its common prayer, preaching, and divine service (1662, ch. 9). Half of all fines incurred by any person offending against any penal law was conferred on the informer and discoverer of such offences (1663, ch. 9).<sup>7</sup> No recusant convict,

Anti-Papist  
legislation in  
Virginia,  
1642-1756.

<sup>5</sup> The part of 3 Jac. I., c. 5 (1605-1606), relative to Bridger's plea was repeated in 12 Car. II., c. 24 (1660), the Act taking away the Court of Wards and Liveries and Tenures in Capite, etc.

<sup>6</sup> Virginia, *Cal.*, p. 81; 1691.

<sup>7</sup> In connection with Bacon's rebellion, the Commissioners for Virginia recommended the "transmuting that odious name of Informer into that more genuine one of calling such men Conservators of the Law" (P. R. O., *Cal.* v. § 82; February 27, 1677.—*Cf. supra*, p. 91, note 6).

being a freeholder, was allowed to vote (April 2, 1699). All freeholders, under penalty, were compelled to vote, but recusants were excluded (October, 1705). Popish recusants convict, negroes, mulattoes, and Indian servants, not being Christians, were deemed and taken to be persons incapable in law to be witnesses, in any case whatsoever (October, 1705, ch. 19; October, 1748, ch. 6; November, 1753).<sup>8</sup> No Papist, or reputed Papist, could have any arms, etc., unless he took the oath prescribed; nor could he own a horse worth more than five pounds (March, 1756, ch. 4).<sup>9</sup>

An historian of Virginia, speaking of what he calls "this fear and antipathy to the principles and persons of the Papists," has offered an explanation of it as shown in its earliest stages, when George Calvert, first Lord Baltimore, was repelled from Virginian shores (1628). He says, "This narrow and impolitic spirit, qualified in the mother country by a thousand circumstances which softened its rigor and severity, had the fullest scope in the colonies for displaying its malignity. In small communities all attachments and prejudices are stronger and more lasting."<sup>10</sup> This explanation is not satisfactory. It does not show why other objects of dislike in the varied experiences of Virginian history never excited such fear, antipathy, and malignity; nor does it give a hint why the Catholicity of Lord Baltimore or of any other Papist should have excited the malignity at all. Chancellor Kent merely pointed to the "astonishingly fierce and unrelenting" public prejudice against the Catholic Church, as a psychological phenomenon in colonial history.<sup>11</sup>

§ 121. At this epoch of the Revolution which set William of Orange on the English throne, a new era began in Catholic life, political, civil, and domestic. The new legislation penetrated everywhere, dropping out of the old system, which was still in force, only the rack, the scavenger's daughter, and the halter. It was like a slow file operating during the eighteenth century, wearing away the power of resistance, and evoking no spirit of heroism. One law in particular, that of the session 1698-1699, the chief provisions of which began to take effect in 1700, was treated during the following century as a kind of imperial Magna Charta against Catholicism; and it

<sup>8</sup> Cf. *History*, I. 488, Coke in the same sense.

<sup>9</sup> *Abridgement of Laws*, pp. 84, 66, 67.—*Researches*, xxv. (1906), 354-356, E. I. Devitt from W. W. Hening, *Virginia Statutes at Large*.—Cf. 2 Kent, *Comm.*, xxv., Of Aliens and Natives, 73.—Shea, i. 409, 410.—*Rec. and Studies*, ii. 408, 409, P. Condon on religious intolerance.

<sup>10</sup> J. Burk, *Virginia*, ii. 24-26.

<sup>11</sup> Cf. *History*, I. 102.

recurred over and over again in colonial administration. It was entitled, "An Act for the further preventing the Growth of Popery."<sup>1</sup>

There were other circumstances at the time which merit consideration, such as the persons who passed the laws, the principles professed by them, and above all the character given to the whole Catholic body of men, women, and children, as disloyal and dangerous to the state. But, leaving this matter of Catholic loyalty aside, we shall satisfy the immediate necessities of our narrative by summarizing briefly the enactments. They became professedly the basis of colonial anti-Popery.

Of the principal act among them, that passed in 1699, the Provincial Humberston wrote from St. Omer's, on April 10, 1700, to the General, that, having thought it unsafe to trust the courier with a letter from England, he had waited till he should be out of the country. "Now," he continued, "since I am in Belgium, I write at once to inform you that a great persecution has been started in England. Parliament, or the chief senate of the kingdom, which observed a measure of moderation, so long as it needed the aid of Catholic princes in the war against the Most Christian King [*Louis XIV.*], now that the reason for dissembling no longer exists has returned to its own ways; and re-enacting the ancient laws, passed against Catholics at various dates ever since the time of Queen Elizabeth, has added a new one, of which the following heads contain the substance." Here the Provincial gave an ample synopsis, and resumed, "All this has been approved and passed by both Houses of Parliament, that is, Commons, as they are called, and Lords. Nothing is wanting to make the bill a law save the assent of the Prince of Orange, whom they consider to be king. There is no doubt but he will give his assent. Wherefore there is expected such a persecution, as from the beginning of heresy established in England has not been seen. Certainly, laws more effective for rooting out the Catholic religion have never been passed; and, unless God hinders the execution of them, it will not be possible for religion to subsist in that kingdom."<sup>2</sup>

In the evolution of Orange statutes which led to this law, one of the first acts passed by Parliament had been to establish Protestantism in both legislative houses by means of oaths and a declaration. The oaths were those of allegiance to the new monarchs, William III. and

<sup>1</sup> 11 Gul. III., c. 4; 1698-1699.

<sup>2</sup> Stonyhurst MSS., MS. B. 1, 15, pp. 207-209.

Mary; and of spiritual supremacy, excluding all jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical and spiritual, of the Pope of Rome, within the realm of England. The

Antecedent  
acts. Oaths  
and declara-  
tion.

declaration was that of Charles II., which had already emptied both houses of Catholic peers and members.

It purported "solemnly and sincerely in the presence of God," to denounce Transubstantiation, the invocation of Saints, and "the Sacrifice of the Masse, as they are now used in the Church of Rome"; for all this was "superstitious and idolatrous."<sup>3</sup> A refusal to subscribe this declaration branded the person so demurring as a Popish recusant convict, "to all intents and purposes whatsoever"; that is, it subjected him to a whole code of unremitting persecution.

Then Papists and reputed Papists were removed ten miles from Westminster. They were disarmed. Their horses, if above five

Relief for  
Protestant  
dissenters.

pounds in value, could be seized. At the same time all Protestant dissenters, heretofore directly or indirectly under penal laws, were set free from the operation of

every such statute; and the reason was given that "some ease to scrupulous consciences, in the exercise of religion, may be an effectual means to unite their Majesties Protestant subjects in interest and affection." Anabaptists and Quakers were provided for in this toleration act. But, by every clause and proviso which could be framed, "neither this act, nor any clause, article, or thing herein contained, shall extend or be construed to extend to give any ease, benefit, or advantage to any Papist or Popish recusant whatsoever." And hence the first part of the act in favour of Protestant dissenters was spent upon the Popish recusant, to search his conscience and to sift him out from the rest, till he should conform. If he yielded and took the oaths, the Popish recusant already convicted or prosecuted in order to conviction was, said the act, "thenceforth exempted and discharged from all the penalties, seizures, forfeitures, judgments, and executions incurred by force of any the aforesaid statutes, without any composition, fee, or further charge whatsoever."<sup>4</sup>

<sup>3</sup> 1 Gul. & Mar., sess. 1, c. 8.—30 Car. II., st. 2, c. 1, § 1.

<sup>4</sup> 1 Gul. & Mar., sess. 1, cc. 9, 15, 18; this last being the toleration act for dissenters.—Cf. History, I. 90, for the rehabilitation of the conforming Papist, from Elizabeth's time.

See *infra*, p. 458, on the turn given to the law of relief for dissenters when re-enacted in Maryland (1706). Under the guise of relieving dissenters from penal laws which did not exist in Maryland nor call for relief, it was designed that Catholics, by mere implication, should fall under the mischief of such penal laws non-existent. It was a backhanded attempt to distress one party under pretence of relieving another. Governor Seymour might well call it "a blind jump" on the part of the assembly, who did not understand his game.

In the second session of the same Parliament, a subsidy act was passed, containing provisions not at all new. Papists or reputed Papists, who had not taken the oaths prescribed, should pay double rate, four shillings instead of two on personal estate, and four shillings instead of two on real estate.<sup>5</sup> Double taxation, etc., for Papists. This affected all who were seventeen years of age and upwards. In the next session, a similar subsidy act reduced the age of such persons doubly taxable to sixteen years and upwards. Similarly, a "most gracious generall and free pardon," in the name of the King and Queen, was consonant with the precedents of a hundred years past. The pardon granted to all should not extend to any crimes under the 27 Elizabeth, chapter 2, which was the "Act against Jesuits, seminary priests, and other disobedient persons"; and "all convictions of Popish recusants for their recusancy" were also excluded from pardon. These provisions were customary formulas of legislation.<sup>6</sup>

§ 122. The great anti-Popery law of the session, 1698-1699, meets us like a Magna Charta at every turn during the eighteenth century, until the American Revolution. It would seem to be scarcely capable of improvement. Yet a West Indian island did improve it by a law adding wholesale capital punishment;<sup>1</sup> and Maryland also improved it in a bill which, without the imputation of a crime or the citation of a law, visited the Jesuits of Maryland with summary and wholesale confiscation.<sup>2</sup> The law of 1699 against Growth of Popery.

The preamble of this statute for the further preventing the Growth of Popery premised that Popish bishops, priests, and Jesuits, were "affronting the laws," and daily endeavouring "to pervert his Majesties naturall born subjects; which has been occasioned by the neglect of the due execution of the laws already in force." It went

<sup>5</sup> Cf. 15 Car. II., c. 9 (1668), where "aliens and Popish recusants" are coupled for the levy of a double tax.

<sup>6</sup> 1 Gul. & Mar., sess. 2, c. 1; 2 Gul. & Mar., cc. 2, 10.—From Elizabeth's time the amnesty granted on occasions was for "all manner of treasons, felonies, offences, contempts, trespasses, entries, wrongs, deceits, misdemeanors, forfeitures, penalties, and sums of money, paines of death, paines corporal and pecuniary, and generally," etc. (28 Eliz., c. 16). So, too, under the actual French regime of "Republican Defence," Clemenceau (February 12, 1909) proposed a general amnesty, and was supported by the Chamber, with a vote of 362 against 169, in excluding from the benefits of the act all contraventions occasioned by the Law of Associations against religious Orders, or by the law separating Church from State. Any Catholic gentleman who had manifested his sense of indignation at the outrages perpetrated was to remain in prison. The malefactors were allowed to walk off free.—Cf. History, I. 89.

<sup>1</sup> *Infra*, p. 195.

<sup>2</sup> *Infra*, pp. 535-537.



on, by the juxtaposition of ideas, to convey the impression that the same bishops and priests had been concerned in recent conspiracies against William III. Wherefore it was enacted that after the first day of the new year, March 25, 1700, any person who apprehended and prosecuted unto conviction a bishop, priest, or Jesuit, should receive a reward of £100 sterling net, "without paying any fee for the same." The statutory crime was that of "saying Mass or of exercising any other part of the office or function of a Popish bishop or priest within these realms." Perpetual imprisonment was the penalty for any such crime, as well as for teaching boys in one's house, or keeping school. From September 29, 1700, any Catholic, coming to the age of eighteen years, and not taking within six months the oaths to recognize the king as supreme ecclesiastical head, and to blaspheme the Catholic doctrine of Transubstantiation, etc., was disabled from entering into any inheritance of goods, honours, titles, etc. During his life, or until he should conform to Protestantism, his next of kin, that was a Protestant, should have the lands and property of such person, without rendering any account, except in case of wilful waste. So the victim's property was kept dangling before his eyes, till he should conform. After April 10, 1700, every Papist should be disabled from ever purchasing or acquiring within the realm any lands, domains, hereditaments; and every title or contract to such effect would be null and void. Any one who sent a child or ward across the Channel to be educated in the Roman religion should pay a penalty of £100 sterling. And, whereas, by the statute of 3 James I., ch. 5, this same penalty for this same offence had been divided between the king and the informer, now the informer should have the whole.

Married women, who in law were always one with their husbands, had been attacked, if Catholic, as independent personalities under James I.<sup>8</sup> Now the Catholic children, from infancy onwards, were assailed as independent personalities, and more insidiously. They were given to understand that, if they would abandon their religion and apostatize, the State would repay them at once with an independent settlement on the property of their parents. The form of the solicitation was thus conceived: "To the end that the Protestant [!] children of Popish parents may not, in the life time of such parents, for want of fitting maintenance be necessitated, in compliance with their parents, to imbrace the Popish religion, contrary to their own inclinations, be it enacted"

Solicitation  
of Catholic  
children.

<sup>8</sup> Cf. *History*, I. 88.

that, after March 25, 1700, "if any such parent, in order to the compelling such, his or her Protestant child, to change his or her religion, shall refuse to allow such child a fitting maintenance," the Chancellor shall receive the complaint of the said child, and assign a settlement out of the parent's property.<sup>4</sup>

What Catholic children themselves thought of this decoy hung up before them, Governor Seymour of Maryland related to the Lords of Trade, when he had procured a re-enactment of the English law in the American colony. He said with deep sympathy for Queen Anne, successor of William III., that the very children were wishing and praying for the success of "the greatest of tyrants," rather than for that of her Majesty.<sup>5</sup> The whole transparent device has been called by Dr. Hawks "a premium for youthful hypocrisy." But it seems to have been also an exhibition of hypocrisy mature. For, not only was no Protestant child ever allowed to judge for itself, or reckoned to be the Catholic child of a Protestant parent, but no Protestant man or woman, from king to servant, was ever permitted to think for himself and to exercise private judgment unto salvation in the Church, under pain of being denounced, mulcted, and disfranchised.

A modern has noted a point which was somewhat recondite in the law, and of a kind novel in anti-Popery legislation. It is that the very possibility of a priest subsisting at all in England was struck at in a round-about way. "The <sup>Striking</sup> at the priest-  
hood.  
only means by which the priesthood could be supported (as charities for that purpose were illegal) was by their being harboured in the houses of the Catholic gentry or nobility; and hence an infamous measure was projected to deprive them of this protection, by prohibiting Catholics from holding any lands at all. Thus the act for preventing the Growth of Popery passed; the cases upon which show that it was in pursuance of the policy of the acts suppressing religious houses, and other confiscating statutes of the Reformation." Accordingly, the act expressly prohibited any Papist from holding lands or profits out of land, "either in his own name, or the name of any other person, to his use or in trust for him." In one of the cases decided, the Chief Justice said that the object of

<sup>4</sup> 11 Gul. III., c. 4; 1698-1699.—Of. *History*, I. 88, 89; also Hawks, *Contributions*, II., *Md.*, 126, on the re-enacting of this law in Maryland for the cultivation of "youthful hypocrisy."—A later statute, 1 Annæ, c. 24, obliging Jews to maintain and provide for their "Protestant" children, renewed for Jewish children the identical provisions of 11 Gul. III., c. 4, regarding Catholic children.

<sup>5</sup> *Infra*, p. 458.

William III.'s act was "to work Papists out of their lands." The general status of Catholics technically was that ecclesiastically they were excommunicated, civilly they were interdicted, and to some effects of law they were civilly dead.<sup>6</sup>

After four score years, the orator Burke, a Protestant Whig of the same old school which had brought in William of Orange, excused the party in a way not complimentary; but he divided the responsibility with the other party. He proceeded: "Thus this act, loaded with the double injustice of two parties, neither of whom intended to pass what they hoped the other would be persuaded to reject, went through the legislature, contrary to the real wish of all parts of it. In this manner, these insolent and profligate factions, as if they were playing with balls and counters, made a sport of the fortunes and the liberties of their fellow creatures. Other acts of persecution have been acts of malice; this was subversion of justice from wantonness and petulance. Look into the *History* of Bishop Burnet. He is a witness without exception."<sup>7</sup>

When these words were spoken, the intelligence of the British Parliament was becoming luminous on the same subject. The four score years which had elapsed since the passing of the anti-Popery law may have been time enough for opinions to mature; or for the old opinions of four score years previously to have decayed sufficiently, and have passed into the stage of *idee putrefatte*—ideas, that is, which have turned worse than sour. So Parliament entertained a Catholic Relief Bill, which indeed it would not have done if a European war were not threatening. It entertained the project with a view to clearing away the putrefaction of the Orange anti-Popery law; upon which Mr. Dunning, solicitor-general, said in Parliament (May 14, 1778): "The imprisonment of a Popish priest for life, only for officiating in the offices of his religion, was horrible in its nature, and must, to an Englishman, be ever held as infinitely worse than death." Here that gentleman was giving the palm for persecution, not to the Elizabethan rack and rope, but to the bloodless Orange oppression. The attorney-general, Mr. Thurlow, spoke very strongly against that part of the act of William III.

<sup>6</sup> Finlason, pp. 58, 59.—The number of Catholic freeholders in the time of William III. was 18,856; of nonconformists, 108,676; of conformists, 2,477,254. Hence the proportion of Catholic freeholders in all England was as 1 to 186. (Butler, iii. 162.)—For the extraordinary development of the excommunication idea, see *History*, I. 487, 488, Coke and others.

<sup>7</sup> Burke, *Speech to the electors of Bristol*.

which punished a parent for sending his child to be educated abroad: "To remedy so glaring an evil," he said, "required little hesitation." In the House of Lords, on May 25, Dr. John Hinchcliffe, the Bishop of Peterborough, declared that "to tempt any one [*a child*] with views of interest to trespass on his duty and natural affection, by depriving his father of his estate or supplanting his brethren, is a policy, in my opinion, inconsistent with reason, justice, and humanity." The Earl of Shelburne introduced a variation into the chorus of condemnation by taking rather an apologetic tone on behalf of ancestors, though somewhat ambiguously. He observed that, when the penal clauses which were now offered for repeal had been first proposed in Parliament, nobody approved of them, yet nobody had spirit enough to oppose them. A generation later (June 22, 1812), Mr. Canning sketched in the House of Commons the status which had been created for a Catholic by the Orange legislation: "We find him cut off from all the relations of social life; we find the law interfering between the parent and child, between the husband and the wife, stimulating the wife to treachery against her husband, and the son to disobedience towards his parent; establishing a line of separation in the nuptial bed, and offering an individual inheritance as the tempting prize for filial disobedience."<sup>8</sup>

<sup>8</sup> Amherst, i. 64, 100, 101, 104, 106.—In the effort to explain the anti-Popery mania, one modern goes very deep into the vitals of the question; he says that Catholicism was by its nature a conspiracy to the damage of Protestantism. Starting with the Titus Oates Plot, Hallam says comprehensively of Catholicism: "It is first to be remembered that there was really and truly a Popish plot in being (though not that which Titus Oates and his associates pretended to reveal)—not merely in the sense of Hume who, arguing from the general spirit of proselytism in that religion, says there is a perpetual conspiracy against all governments, Protestant, Mahometan, and pagan—but one alert, enterprising, effective, in direct operation against the established Protestant religion in England." The imminent danger was that of the British Isles being converted (ii. 570, 571). The postulate of self-defence against the ascendancy of Catholicism was an axiom with William, Prince of Orange. Being sounded by James II. whether, in the event of succession to the English throne by marriage, William would abate the intolerance of the anti-Catholic test act and deal fairly with the Catholics, William replied: "You ask me to countenance an attack upon my religion. I cannot with a safe conscience do it; no, not for the Crown of England, nor for the empire of the world" (Macaulay, ii. 494).

This self-defence meant the application of brute force against the force of Catholic thought. Here a modern writer expands the idea of William in another form of verbiage. He says that the Protestants were a majority; and the majority had a right to defend itself against the minority; which therefore was no persecution. It is thus that Macaulay writes: "A nation may be placed in such a situation that the majority must either impose disabilities or submit to them; and that what would, under ordinary circumstances, be justly condemned as persecution, may fall within the bounds of legitimate self-defence; and such was, in the year 1687, the situation of England" (ii. 498)—the Protestant majority, 100 to 1, being on the defence against the Catholic minority, 1 to 100. (Cf. Amherst, i. 78.) This argument of Macaulay's may be accounted for in the same way as a statement of Hallam's is palliated by Bishop Stubbs; that it proceeds "on the sacred, eternal, and unalterable principles

§ 123. Queen Anne's legislation maintained the policy of William III. With regard to Ireland, where practically all were Catholics, the antecedent measures had been only a foretaste of what was now served out as laws. In Presbyterian Scotland a British statute provided for the toleration of the few Episcopalians there; but it excluded Papists from any benefit by the act. In England under George I., a Papist who should dare to enlist as a soldier was made liable to any punishment by court martial, short of death.

**Estates forfeited. Superstitious uses.**

Commissioners were appointed to inquire after estates forfeited, and those given to superstitious uses; which latter were to be forfeited as soon as discovered. Hence all Catholic

of pure Whiggery," and "can be accounted for only on the supposition of invincible ignorance or invincible prejudice."

The ignorance was so far invincible that it failed to see what was in progress on the other side of St. George's Channel, where the Protestants were not in a majority of 100 to 1, but in a minority less than 1 to 100. To use Sir Roger Casement's words, "the Protestant Bashaws of the West, as Lecky in a flash of inspired sarcasm termed them," were doing precisely the same things with the majority as the people in England with the minority. Not to speak of acts for "relieving" Protestant purchasers, London companies, and the like, who were gorging themselves with "forfeited estates" in Ireland (of. 8 & 4 Annæ, c. 19), nor to trouble ourselves with the Orange prince's enactments touching Ireland, we illustrate the point of soliciting children. The law, 2 Annæ, c. 6, made Catholic parents only tenants for life of all their real estate, if the eldest son became a Protestant; and vested the latter with the reversion in fee of all the property, subject only to the distribution of not more than one-third for the maintenance of all the other children, "as well Protestants and Papists of such Popish parent." The object was evidently to maintain the Protestant interest as powerfully represented in rich individuals. By § 14 the Catholic eldest son or heir-at-law had a year's grace after his parent's decease to turn Protestant, and thereby, undoing all the testamentary provisions, to appropriate two-thirds of the estate. On the contrary, by another set of weights and measures, if the whole family persisted in remaining Catholic, the property, though possessed in fee simple or fee-tail, had to descend in the nature of gavelkind, being equally divided among all the sons, or, in default of them, among all the daughters (§ 12). Here the object was just the reverse of that in the former provision; it was evidently to break down all Papist power and interest as represented in rich individuals. But, if the eldest son declared himself a Protestant, "the lands whereof such Papist [*parent*] shall be so seized shall descend to such eldest son or heir-at-law [*not in gavelkind, but*] according to the rules of the common law" (§ 14). The Irish statute, 8 Annæ, c. 3, § 3, improved William III.'s law in favour of any youthful hypocrite by making the child's apostasy a ground in Chancery for a bill "to oblige the said Popish parents to discover upon oath the full value of all their estate"; and thereupon to make order giving away "during the life of such Popish parent" even as much as one-third of all the personal and real estate to the young hopeful.—Of. Lecky, *England*, i. 344-348; *Ireland*, i. 152-154.

As to the liberal sentiments quoted above from the Parliamentary debates of 1778, they were prompted by "expediency," or the motive which comes of necessity. The preamble of the act, 1778, had it so, that it was "expedient to repeal certain provisions" in the Orange law against the growth of Popery. A moral pressure was just then being exercised by war in America and war in Europe. Again, nearly thirty years later, in 1805, Mr. Pitt accentuated the same motive. Speaking on the Catholic Petition for Relief, he said that "the question ought to be discussed on the ground of expediency alone"; and he added, "I cannot allow that at any time, under any circumstances, or under any possible situation of affairs, it ought to be discussed or entertained as a claim or question of right." (Amherst, i. 40, 98.) Some others, however, would not allow even the necessity called expediency to seduce them from the object of their predilection.—See *supra*, p. 127, note 2.

property was diligently pried into by spies. In pursuance of this act, Governor Hart, in Maryland, proceeded to investigate Jesuit property, and the superstitious uses to which it was assigned. With all this, Papists were bound to register their names and estates, to enrol their wills and deeds; in short, to make the way smooth for fines and confiscation.<sup>1</sup> At any moment a person might be challenged to take the oaths. On declining them, he was deemed constructively a Popish recusant convict, and subjected without relief to imprisonment, fines, and disabilities.<sup>2</sup> From house-breaking<sup>3</sup> to will-breaking, everything was legal against Catholics.<sup>4</sup>

As to all other good subjects, the legislators of the new Orange regime were not insensible to slight inconveniences; for instance, that of being visited in their homes by a tax-gatherer. On the matter of hearth-money, it was thought to be "a <sup>The other</sup> badge of slavery upon the whole people, exposing every <sup>good sub-</sup> mans house to be entred into and searched at pleasure by persons <sup>jects.</sup> unknowne to him." Therefore Parliament took this hardship away.<sup>5</sup> Returning in two different sessions on their own acts, in relation to the invader who had delivered the kingdom "from Popery and

<sup>1</sup> Cf. Dodd, iii. 500, 501.—Butler, iii. 167.—On Hart, cf. *infra*, p. 482.

<sup>2</sup> 1 Geo. I., st. 2, c. 13.—Cf. 1 Gul. & Mar., st. 1, c. 8, §§ 9, 10.—History, I. 88, 98, 99.

<sup>3</sup> 3 Jac. I., c. 4, § 21.

<sup>4</sup> There is no disguising the fact, however, that to many minds even in our days there is an air of unreality about the whole of this persecution, as much as about the whole idea of conscience or religion. For, after all, it was only the declining or taking of an oath which let loose the dogs of war or leashed them up again. And nobody respected an oath. Why should Catholics? Compare Douglass and Bancroft in History, I. 114, 115; also Burleigh and Shakespeare, *Ibid.*, p. 92; Hume, *Ibid.*, p. 118.

A couple of passages in our History, I., where we spoke with respect of an oath, and implied a religious obligation in it, have occasioned an expression of surprise at such scrupulosity. The editor of the *Maryland Historical Magazine* has admonished us: "It [*the oath of fidelity to Lord Baltimore*] was a harmless thing enough; and neither the lax-conscienced Fendall and his malcontents, nor the strait-laced Puritans on the Severn, ever felt any scruple in breaking it" (ii. 278). Here this twentieth-century gloss, that moral obligation depends on observance, and not observance on obligation—or else that obligation implies a conscience, and who possesses that sort of thing?—goes on all fours with the morality of the eighteenth century, touched off by Butler at the time—

"The imposer of the oath 'tis breaks it;  
Not he who for convenience takes it."

However, it is clear that, if the morality is all on one side, the want of it and an air of unreality about it must affect the vacant judgment of the other. Just so do we see in another sphere that, if the substance of history is all on one side, a blankness of judgment is drawn on to discount the vacuity on the other: "Who knows?" "Perhaps!" "May be!" This is signing one's name to a blank of danger.

Hallam, speaking of 1687, has told us that manners, too, were all on the one side, and a "propensity to rudeness and scurrility" was characteristic of even the most reverend and respectable divines on the other. He gives a list of the "most respectable" scurrilous divines. To mention only most reverend archbishops, there were Sancroft, Sharp, and Tillotson among them. (ii. 577.) See *supra*, p. 96.

<sup>5</sup> 1 Gul. & Mar., sess. 1, c. 10.

arbitrary power," they "indemnified" themselves and their adherents by a statutory exemption from the operation of laws, which visited their felonies.<sup>6</sup> Not unmindful of piety, they passed an act, "for the more effectual suppressing blasphemy and profaneness."<sup>7</sup> And returning to good subjects, those in the distant colonies, they observed that "divers" Governors, Lieutenant Governors, Deputy Governors, or Commanders in Chiefe of Plantations and Colonies within his Majesties Dominions beyond the seas," did commit several crimes and offences, oppress his Majesty's subjects, and yet hold themselves not punishable for the same in England, nor accountable in the respective colonies either. Whereupon, provision was made against this for the future.<sup>8</sup> But every commission for such governors abroad excepted from the benefit of their good behaviour and from toleration the category of Papists.<sup>9</sup>

While at every turn, in the history of Jesuits and Catholics, we run against a law, there was, outside the circuit of law, the pressure of a ubiquitous spirit, which, after inspiring the legislation, breathed freely in the atmosphere, above the letter of statutes, and independently of enactments. This spirit was like a new kind of chancery. A new kind of chancery, the equity of which was the consciousness of anti-Popery in a man's bosom; in much the same way as all jurisprudence was conceived to lie in the king's bosom, *in scrinio pectoris sui*; and therefore he could do no wrong. This spirit led judges to interpretations which enlarged the policy, as they called it, of Edward VI.'s chantry act into a whole body of decisions against what they called "superstitious uses."<sup>10</sup> The same largeness of view tended to release the hands of administration from the trammels of rigid law. On an occasion, now to be mentioned, we find that where the letter of a statute was favourable to a Catholic who should swear according to its terms, the administrative authority obeyed rather the impulse of the spirit, and even presumed to cite the

<sup>6</sup> 1 Gul. & Mar., sess. 2, c. 8; 2 Gul. & Mar., sess. 2, c. 18.

<sup>7</sup> 9 Gul. III., c. 35.

<sup>8</sup> 11 Gul. III., c. 12.

<sup>9</sup> The form of Instructions for Maryland, such as Governor Blakiston received, October 4, 1698, seems to be unique on the subject of toleration. It omits the secular clause: "except Papists."—See *infra*, p. 452.

<sup>10</sup> Judges reflected popular or prevalent opinions. For specimens of their moulding the law by interpretations, cf. *Amer. Hist. Review*, xix. 753-756, A. L. Cross on "Legal Materials as Sources for English History," where an observation of Lord Mansfield's is quoted: "A popular judge is an odious and pernicious character." The writer makes an unkind reflection on Sir Edward Coke, that when he was hard pressed for a precedent he provided one. Judges were kind to one another, in giving a footing by precedent, where law was wanting.—On superstitious uses, see *infra*, p. 657.

identical statute in a sense contrary to its express terms of grace. A colonial governor robbed, dispersed, and expatriated a defenceless population; and the home authorities allowed things to be, without any further note than some epistolary interrogations and exclamations.

With this case we shall begin our illustrations of anti-Popery in the colonies; the more properly so, as the scene was farthest north. Thence we shall descend southwards.

§ 124. Under George I., an act was passed against constructive Popish recusancy, extending recusancy proper, or non-attendance at the Protestant church, to the non-acceptance of Protestant oaths. It pushed Catholics into such an attitude of reserve, that frequently they dared not assert the commonest legal rights still left them, for fear of having the Protestant oaths flung in their faces, and becoming in consequence declared recusants convict.<sup>1</sup> But the same elaborate act provided, over and over again, that forfeiture of office incurred by any Popish recusant was annulled at any time, on the terms of swearing allegiance, abhorrency, and abjuration, that is, taking the oaths of allegiance and

Constructive  
Popish  
recusancy.

<sup>1</sup> Butler, iii. 166.—Lecky, *England*, i. 845, 846.—These remote effects were seemingly ascribed to William III.'s anti-Popery act by Sir George Savile when moving for leave to bring in the bill of Catholic Relief, May 14, 1778. He said, "The act [of William III.] had not been regularly put in execution, but sometimes it had; and he understood that several lived under great terror, and some under actual contribution, in consequence of the powers given by it." He introduced his subject with a sentiment, noble if not strictly precise, saying that "one of his principal views in proposing this repeal was to vindicate the honour and to assert the principles of the Protestant religion, to which all persecution was, or ought to be, wholly adverse" (Amherst, i. 99, 100).

In this view of principles and practice Savile had been emphatically anticipated by Secker, Archbishop of Canterbury, when disputing with Dr. Mayhew, of Boston. Secker's assertions respecting the colonies were rather hazardous and reckless, seeing that he was speaking to one who probably knew something, and considering that the statutes of the "Episcopalian colonies," as he called them, affirmed exactly the contradictory of what he ventured to assert. He said in his *Answer* to Dr. Mayhew, "It is a matter of notoriety that the lawfulness of persecution is no doctrine of our Church; and there are few of its members, if any now, who approve it or do not detest it." Then, having explained that it was not Protestantism which persecuted, but only the relics of Popery hanging about Protestantism which did the persecution, he proceeded farther on: "Supposing the Episcopalians were the majority there, why should a test law follow? Is there any such law in the Episcopalian colonies?" Sinking deeper into the mire, he incautiously touched "a still tenderer point," that about taxing people to support what Mayhew evidently took to be a set of drones. Secker affirmed that no Protestant Parliament would ever dream of imposing a tax "for the maintenance of a [Protestant] ecclesiastical hierarchy"; and that "bishops and their underlings, as he [Mayhew] civilly calls the body of the clergy," were living only on the old Catholic benefactions made to the Catholic Church "many ages before the present [Protestant] possessors enjoyed them." Secker triumphantly concluded: "With what modesty then can the Doctor suggest that such a thing [a tax for the support of an Episcopalian clergy] might be feared in New England?" (Secker, *Answer*, pp. 6, 68; 1764).



supremacy, declaring against the Pope, and against the Pretender ; all penalties were cancelled on the same terms ; and at any moment a Popish recusant convict was discharged from such conviction, ever on the same terms. The act was for Great Britain, Jersey, and Guernsey. The tenor of it concerned office-holders, civil, ecclesiastical, educational, military, naval, reaching down to seamen in the royal service. Though any two justices might tender the oaths at their free choice to suspected persons, yet these suspected persons were, in the purview of the law, such as held offices of trust ; who, on refusing to swear, were to be adjudged Popish recusants convict, "and as such to forfeit, and be proceeded against." Two justices had to tender the oaths to each individual.<sup>2</sup> When it came to banishing a constructive Popish recusant from the kingdom, four justices of the peace were to take action.<sup>3</sup>

This precise act was used in 1755 against the French inhabitants of Acadia, by General Charles Lawrence, Governor of Nova Scotia. The status of French neutrals in Acadia. They had long before taken an oath of allegiance to the British Crown. They had never been required to take an engagement against what was called their "neutrality."

That is to say, being brethren of the French Canadians across the St. Lawrence, and being on intimate terms of amity with the Catholic Indians adjoining or in their midst, they were considered as "neutrals" in all issues between the British Government and either the Canadians or those Indians. In 1730, General Philips reassured them, engaging that the Acadians should not be obliged to bear arms or to war against French or Indians. In 1746 and 1747, General Shirley made and repeated a Declaration in his Majesty's name, that there was no intention of removing the French inhabitants from their settlements. Copies of this Declaration, printed in French at Boston, were distributed among the Acadians by Mascarene, President of Nova Scotia. Shirley and Governor Knowles wrote to the Duke of Newcastle, carefully distinguishing between active military operations against the French Canadians who invaded the province, and mere precautions of safety regarding the neutral French Acadians in the province. Shirley, on his part, said that it was his Declaration to the Acadians which had saved the situation.<sup>4</sup> The Duke replied, promising in his Majesty's name "to protect and

<sup>2</sup> 1 Geo. I., st. 2, c. 18, § 10; the rehabilitating sections, §§ 14, 23, 26; 1714.

<sup>3</sup> Lecky, *England*, i. 845, 846.

<sup>4</sup> P. R. O., 564, *Mass. Bay*; Gov. Shirley and Mr. Knowles, Boston, April 28, 1747, to (Newcastle).—*Ibid.*, Shirley, Boston, April 29, 1747, to the same.

maintain all such of them [*the Acadians*] as shall continue in their duty and allegiance to his Majesty, in the quiet and peaceable possession of their respective habitations and settlements, and that they shall continue to enjoy the free exercise of their religion." His Majesty intended to send over a proclamation to this effect; but, wrote the Duke, the crisis of the moment rendered it advisable that the "terms of the intended proclamation" should be fixed by Shirley, who was to make "such a Declaration in his [*Majesty's*] name," as the present circumstances of the province might require.<sup>5</sup>

From this point began the tergiversations, which were all on the American side of the ocean; culminating in the executive fraud, which we are about to mention with respect to the act of George I. Shirley, on his own authority, left out of the Declaration to the Acadians the assurance prescribed by the Duke of Newcastle<sup>6</sup> regarding the free exercise of their religion, which omission the Duke of Bedford<sup>7</sup> passed over benignly on the ground that, as Shirley and Mascarene seemed to affirm, "the not mentioning it will neither alarm, nor give them any uneasiness."<sup>8</sup> At the same time, Shirley sent a surveyor, Captain Charles Morris, to spy out the land of the Acadians, with a view to dividing the country, to shoving the French inhabitants from "all that was valuable" or all that they had made valuable by their dyking and tillage, and then lodging them high and dry on the uplands. While receiving deputations from the Acadians, who expressed their deference, fidelity, and thanks for the Declaration,<sup>9</sup> Shirley was writing a set of letters to the Duke of Bedford in a sense quite noteworthy. Let the Acadians be ousted from their improved farms, to let 1420 intruding Protestant families be installed in their hives. They should be proselytized; bribed to apostatize; induced to intermarry, especially with New England intruders; or with "the next best settlers," North of Ireland Protestants; at all events, with Jersey or Guernsey Protestants; or finally with Protestants to be brought from the Swiss cantons, the Palatinate, and other northern parts of Germany. Shirley threw out a last alternative: "or else," wrote he, "to remove 'em; which would be attended with very hazardous consequences, and should be avoided, if possible." He enclosed the surveyor's, Captain Charles

<sup>5</sup> P. R. O., *Canada Expedition*, 68, f. 268; Holles Newcastle, May 30, 1747, "Addition to Gov. Shirley."

<sup>6</sup> Secretary of State for the Southern Department.

<sup>7</sup> Secretary of State for the Northern Department.

<sup>8</sup> P. R. O., 68, f. 273, Bedford, October 20, 1747, to Shirley.

<sup>9</sup> *Ibid.*, ff. 111-118; December 9, 1747 to January 7, 1748, in Shirley's, April 18, 1748.

Morris's glowing report, in which the gentleman stated that, the Acadians having "possest themselves of all that was valuable" in their own country, the plan should be "to allot a porportionable part to the Protestant settlers." This, he said, was "of the utmost consequence, since without that I am sure it would be morally impossible any large number of Protestants can ever be settled in the country"; and yet the lands "can be improv'd in perpetual tillage."<sup>10</sup> Week after week, Shirley wrote eager letters. He urged that all titles of the Acadians to their lands, from the date of the Treaty of Utrecht (thirty-five years before) should be declared void; and, among other things, that any lands held should be by the tenure of "Knight's service." This proposition of medieval feudalism was made in the year of grace 1748.<sup>11</sup> Massachusetts, from the capital of which Governor Shirley sent his missives, was delighted; and the lieutenant-governor, council, and representatives became effusively loyal in an address to the king, advocating that the Acadians "be compelled to leave your Majesty's dominions, or reduced to a more perfect obedience to your Majesty's Crown, and that no breach be made in any of your Majesty's territorys on this continent." They deprecated "the most distant prospect" of their own possible subjection to a "yoke and tyranny of the French"—not, however, that of the Acadians' subjection to their own.<sup>12</sup>

On July 4, 1755, Acadian deputies or petitioners were before General Lawrence in council. Admirals Boscawen and Mostyn were lending their countenance to the course of proceedings. The army, the navy, and the civil administration combined to put on the semblance of representing the British Crown in what was being enacted. The deputies declined

The fraud practised on French neutrals, 1755.

<sup>10</sup> P. R. O., 68, ff. 99-105, Shirley, Boston, February 18, 1748, to Bedford; f. 106, Morris's "Observations."—In 1761, President Belcher credited the Acadians with being "the most skilful people" in constructing dykes for marsh lands (Akins, p. 819, Jonathan Belcher, Halifax, June 18, 1761, to Colonel Forster).

<sup>11</sup> *Ibid.*, f. 108, March 8, 1748. February 27 had been honoured with a letter containing a Plan of Civil Government for Acadia, full of virulent anti-Popery, and disfranchisement for the natives as being Papists (*Ibid.*, ff. 98-96, 107).

<sup>12</sup> *Ibid.*, f. 189, January 31, 1750; signed for the council by Spencer Phips, lieutenant-governor, Josiah Willard, secretary; for the house, by Thomas Hubbard, speaker.

The Lords of Trade showed that they were as keen as Shirley; and they may even have inoculated Governor Charles Lawrence at Halifax with Shirley's Boston policy. On October 29, 1754, they wrote to Lawrence: "As Mr. Shirley has hinted in a letter to the Earl of Halifax, that there is a probability of getting a considerable number of people from New England to settle there, you would do well to consult him upon it." However, their lordships were contemplating forfeiture "by legal process," if Acadians would not take certain oaths. This would mean process and execution in cases taken individually (Akins, p. 237).—Massachusetts enjoyed Shirley as governor from 1741 to 1757, which latter date was after the eviction of the Acadians in circumstances transcending his most sanguine expectations.

again to take the oath of allegiance as conceived in its new form, that is, without the reservation of neutrality which had been secured to them in the name of the king. Lawrence and his council declared that they could no longer look on the deputies "as subjects of his Britannick Majesty, but as subjects of the King of France, and as such must hereafter be treated; and they were ordered to withdraw." Here the neutrals, who had been recognized as British subjects during a quarter of a century, were suddenly transformed into subjects of the King of France.

The council forthwith devised measures for deporting the whole Acadian population; and then called the deputies in again. The latter offered to take the oath, thus disconcerting the plot; but they received the following answer in which the act of George I. was cited. They "were informed that, as there was no reason to hope their proposed compliance proceeded from an honest mind, and could be esteemed only the effect of compulsion and force, and is contrary to a clause in an Act of Parliament, 1 Geo. [I., *st.*] 2, c. 13, whereby persons who have once refused to take the oaths cannot be afterwards permitted to take them, but are considered as Popish recusants, therefore they would not now be indulged with such permission. And they were thereupon ordered into confinement." Here the British neutrals, who had been transformed by Lawrence into subjects of the King of France, were suddenly reformed into British Popish recusants under the King of England. The obscurity of the minutes, where the petitioners or deputies had spoken of "the oath," while the council answered that they should not be allowed to take "the oaths," raises a suspicion that, besides distorting the statute mendaciously, Lawrence was also bringing in the three British oaths of allegiance, supremacy, and abjuration—never yet heard of in relation to Acadia.

Col. Monckton then received orders from Brigadier-General Charles Lawrence, Governor in his Majesty's name of Nova Scotia, "to fall upon some stratagem to get the men, both young and old (especially the heads of families) into your power, and detain them till the transports shall arrive"; with a multiplicity of other orders, for securing cattle, shallops, boats, canoes, and everything the people possessed. Here the Acadians were neither French subjects and prisoners of war, nor British recusants convicted to be proceeded against in presence of four justices, but mere hives of human bees whose honey was wanted.

The families of 9000 persons were broken up; the members

scattered like chaff over the hostile Protestant world of the colonies ; and eager Protestant settlers poured in from New England and Nova Scotia, to enjoy the homes and farms, which industry had formed and happiness adorned. The recorded hymns of the Acadians breathe the spirit of a sublimely Christian resignation, supporting them in their affliction, as they were packed away like cattle in sloops with no respect for family ties, and were thrown on the shores of the American colonies. The reception accorded to them by Protestant America, over which they were flung, will merit a word of description on a subsequent page.<sup>13</sup> But of Massachusetts in particular it may be mentioned at once, that, when some 1000 Acadian waifs were landed there after being tossed about from one colony to another, and then were scattered, harried, bound out by the local government without respect for family ties and religion, the Massachusetts agent in London, William Bollan, presented a pitiful petition to the king for reimbursement, since the colony was paying two shillings a week to keep body and soul together of the helpless old and infant exiles. He made no mention though of the circumstance that the same Massachusetts had poured out its eager adventurers to take possession of the cultivated farms, barns, cattle, and dyked lands of these same Acadians.<sup>14</sup>

For the intruders poured in, as squatters legalized. On the very first day of their assembly meeting in 1758, they legalized themselves still further by rendering every Papist incapable of holding lands, unless he became a Protestant.<sup>15</sup> However little they had in this world to bring with them, they brought at least the old Salem law of Massachusetts against Jesuits,<sup>16</sup> and enacted it on the same first day against all priests in Nova Scotia.<sup>17</sup> In the following year, 1759, they felt themselves ready to legislate against history, as they did in a stupendous preamble of narrative prefacing "An act for the quieting of possessions to the Protestant grantees of the lands formerly occupied by the French inhabitants, and for preventing vexatious actions relating to the same."<sup>18</sup> This act rendered every Acadian owner incapable of ever recovering his property. Seven years later, in 1766, they legislated against Papist schools and

<sup>13</sup> *Infra*, p. 277, note 18.

<sup>14</sup> *Ibid.*

<sup>15</sup> (Nova Scotia), *Statutes*, p. 1 ; October 2, 1758, c. 2.

<sup>16</sup> *Supra*, pp. 109, 110.

<sup>17</sup> *Statutes, loc. cit.*, p. 8 ; c. 5, §§ 3-7. C. Lawrence was governor ; R. Monckton, lieutenant-governor ; Jonathan Belcher, chief justice ; R. Saunderson, speaker.

<sup>18</sup> *Ibid.*, pp. 44, 45 ; 1759, c. 8. W. Nesbit had become speaker.

schoolmasters,<sup>19</sup> lest any stray weed of Popery should lurk in such choice lands of "perpetual tillage." It was only in 1783, thirty-eight years after the riot of depredation, that Irish Catholics who were on the ground began to wring out of the British Parliament itself, as the Bishop of Quebec wrote to Father Jones in Halifax, "that which many others would not dare to ask."<sup>20</sup> The local assembly began a new era and policy, partly innocuous because there were no longer contestants to reclaim the goods pillaged, partly salubrious seeing that the American Revolution had sobered men somewhat. They rescinded the former act against Papist proprietors and Catholic priests;<sup>21</sup> and, three years later, they repealed in part the act against Catholic schools and schoolmasters.<sup>22</sup>

Governor Charles Lawrence was typical of divers chief executive officers, who made an exhibition of themselves in Maryland, New York, and New England. He fared better than most; for he had the honour of a monument to his memory, voted by a grateful people who had profited by him and his crimes. But fate, which called him to his account at a fitting moment, even when dancing at a ball, has denied to posterity the gratification of finding and reading in St. Paul's Church, Halifax, the stone which commemorated Lawrence's "wise, upright, and disinterested administration."<sup>23</sup> Similar homage of posthumous mockery was due to the shade of William Shirley, Governor of Massachusetts; but it seems never to have been paid.<sup>24</sup>

<sup>19</sup> *Statutes, loc. cit.*, p. 120; 1766, c. 7. B. Green was senior counsellor; J. Belcher, chief justice and president; Nesbit, speaker.

<sup>20</sup> O'Brien, p. 61.

<sup>21</sup> *Statutes, loc. cit.*, pp. 285, 286; 1783, c. 9.

<sup>22</sup> *Ibid.*, pp. 245, 246; 1786, c. 1.—For the story of the Irish in Halifax, down to Bishop Burke's time, see O'Brien, pp. 59-83. Then Father Burke began to tilt against the Protestant bishop, Charles Inglis. Cf. *infra*, p. 413, note 1.—However, for want of priests, the Protestant propaganda had not been without effect. Father Jones wrote to the Bishop of Quebec in 1787, that, if priests were not supplied, "except a few Acadians and the Indians, there would be no Catholics in these provinces in twenty years." On this Archbishop O'Brien says: "The number of Protestant families with Irish Catholic names scattered throughout Nova Scotia show his fears to have had some foundation, and are a mournful reminder of our losses" (pp. 61, 62).

<sup>23</sup> Akins, p. 236, note.

<sup>24</sup> P. R. O., *From Governors in America*, 1755, No. 69: the minutes of council, governor's house, Halifax, July 3, 14, 15, 25, 28, 1755, describing the ruffianly scenes of a board supposed to be civilized, Vice-Admiral Boscawen and Rear-Admiral Mostyn being present, and approving of all the proceedings, on July 15, 25, and 28. See T. B. Akins, *Selections from the Public Documents of the Province of Nova Scotia*, pp. 247-267. For the abuse of George I.'s act, see P. R. O., *loc. cit.*, p. 27; Akins, p. 256. The antecedents and sequel are partly to be seen in Akins; but much more fully in various volumes of P. R. O. (*A. & W. I.*, 63, 68, 69, 70). Some further particulars of the sequel, as well as of the Platonic surprise, contributory negligence and final cruelty of the English Government, represented by the Secretary for the Southern Department, Henry Fox, who was succeeded by William Pitt, may be seen *infra*, pp. 276, 277, note 18.

As to the fraud with regard to George I.'s act, it was not at all the worst piece

§ 125. In Pennsylvania, which is considered to have been the most liberal of colonial governments, the accession of William III.

of the villainies enacted. But, since our text on anti-Popery laws have led us to it, we observe the following points. Shea, i. 427-429, assumes that Lawrence was foisting on the French neutrals that set of English oaths appointed by George I.'s act for Great Britain, Jersey, and Guernsey. The supposition is reasonable enough, except that Acadia was not one of those places (cf. Akins, and P. R. O., *loc. cit.*). But Shea is quite at a loss to explain the manner of citing the Georgian statute, which he and Bancroft take to be a statute of George II., as the insidious citation in the minutes of council really insinuated. Accordingly, as there is no statute in the books to correspond, Shea considers the reference to have been a pure fabrication of Lawrence, throwing dust in the eyes of all and sundry. It might as well have been. Bancroft, iv. 201, cites the statute, not only in a form as erroneous as the minutes, but in a manner utterly unmeaning: "Geo. II., c. xiii." which, for a reign of 88 years, is perfectly nugatory. What the minutes seemed to cite as the second George was the second session of the first year of the first George, two elements having been left out; viz. "1 Geo. [I., st.] 2, c. 13."

Bancroft, *Ibid.*, gives the opinion delivered on the occasion (July 28, 1755) by one of the councillors, the Nova Scotia Chief Justice, Jonathan Belcher, son of that pious Jonathan Belcher, who was successively Governor of Massachusetts and New Jersey. Here one may see a real live model of the Sir Elijah Impey, Chief Justice a little later of Bengal, whom Macaulay has probably overdrawn for the reality of Impey, but could scarcely have overdrawn for the reality of this model (*Essay, Warren Hastings*). With great circumspection, the opinion of Belcher is left out by Akins, where he should have recorded it (p. 267); though, if Bancroft had it before him, Akins must have had it also. Many things are accumulated in a long note (pp. 268-267) by this Commissioner of Public Records, T. B. Akins, which show his knowledge to be as defective as his documents, or else his documents to be undergoing a careful trimming, for fear of the knowledge which hangs thereby.

As to the imposition practised, not only on the unsophisticated French neutrals, but upon all the governors of the American colonies southwards, by bringing in the two admirals, lending to the council's proceedings the semblance of a grand imperial deliberation, and informing everybody of the momentous circumstance (cf. Akins, p. 278), that was rather a fine stroke; for in the sequel the other governors, and the English Secretary of State, Henry Fox, referred to the circumstance of Boscawen's presence as a seal of unimpeachable rectitude (cf. *infra*, p. 277, note 18). This gallant admiral, however, had recently been in the East Indies, where he left in his wake nothing but the wrecks of Catholic churches, destroyed or confiscated; just as now he sailed off, leaving in his wake the wreck of Catholic Acadian churches and the confiscation of Acadian Catholics' property. The Rev. Mr. F. Penny tells us of Madras, not without a sentiment of satisfaction: "Admiral Boscawen had no doubt that the right course to pursue—politically—was to confiscate all Roman Catholic ecclesiastical property, banish all Roman Catholic ecclesiastics, and compensate the Protestant missionaries for the destruction of their property in Madras by giving them the confiscated property. He used his great influence with the Fort St. David Council to get this policy carried out; and he was successful." The result was that the Rev. Messrs. Kiernander and Fabricius, Lutheran royal Danish missionaries in the service of the Anglican S.P.C.K. in London, that is, the Society for the Propagation of Christian Knowledge (originally founded by Dr. Bray), entered into the possession and enjoyment of the church property belonging to the Catholics and the Catholic priests. Other Catholic property was simply destroyed. (Penny, *The Church in Madras*, pp. 277, 325, 327, 381, 382, 488, 484, 690. Cf. *infra*, p. 506, note 10.) It is to be observed that all this was "the right course to pursue—politically"—not any course to be pursued as right morally, strategically, or penally. Cf. *History*, I. 485, note 8.

Gallantry was not the attribute exclusively of an admiral in the royal navy. It adorned also a brigadier-general of the army, like Governor Lawrence, when he was not dealing with the helpless and defenceless. The following passage will show his gallantry in full play, when he was addressing a great man, like Mr. William Pitt, Secretary of State for the Southern Department: "As I am perfectly persuaded, sir, of your extreme candour, condescension, and goodness, in permitting the meanest of his Majestys servants to lay before you such hints, as out of his attachment to the honour of the Crown he conceives may contribute ever so little to the

and Mary to the throne of England was proclaimed, with an order that all officers "do stand, abide, and remayne in the same stations, offices, and imployments as they were, and so remayne and continue until further orders (Roman Catholics only excepted)." <sup>1</sup> This part of the proclamation, ostracizing Catholics, was based on no provocation given in the colony of Pennsylvania. On the contrary, the council had declined to take seriously some stories, which the governor, John Blackwell, reported as from Maryland: that French and Indians were coming

Pennsylvania.  
Anticipation  
of official  
intolerance,  
1689.

advancement of the publick welfare, I flatter myself I may, without danger of incurring your displeasure, trespass for a moment or two on your time, precious as it is;—what I would humbly offer to your consideration is," etc. (P. R. O., 71; September 5, 1758.)

The three hymns of the Acadians, somewhat difficult to decipher, and defective in grammar as well as in orthography, we edit as follows. (Brit. Mus. MSS., 19,069, f. 60.) No oringing of the flunkey appears in the sentiments here.

I. Faux plaisirs, vains honneurs, biens frivoles,  
Ecoutez sujourd'hui nos adieux;  
Trop longtemps vous fîtes nos idoles,  
Trop longtemps vous charmâtes nos yeux.

Loin de nous la fatale espérance  
De trouver en vous notre bonheur;  
Avec vous heureux en apparence,  
Nous partons le chagrin dans le cœur.

II. Tout passe  
Sous le firmament,  
Tout n'est que changement,  
Tout passe.

Ainsi que sur la glace  
Le monde va roulant,  
Et dit en s'écoulant:  
Tout passe.

C'est la vérité,  
Hormis l'éternité,  
Tout passe.

Faisons valoir la grâce,  
Le temps est précieux,  
Puisque devant nos yeux  
Tout passe.

Les champs, les rangs,  
Les petits et les grands,  
Tout passe.

D'autres prennent la place  
Et s'en vont à leur tour  
De ce mortal séjour;  
Tout passe.

III. Vive Jésus!  
Avec la Croix son cher partage.  
Vive Jésus!  
Dans les cœurs de tous ses élus!  
La Croix de son Cœur est le gage,  
Est-il un plus bel partage—  
Vive Jésus!  
Portons la Croix  
Quand nous serons aux abois,  
Quoique très amère et très dure  
Malgré les sens et la nature,  
Portons la Croix!

<sup>1</sup> *Researches*, xvi. 179, from *Minutes of Provincial Council, Pa.*, 1. 263; 2nd of the 9th month, 1689.—W. Penn had written, 18th of the 7th month, 1688, to the Commissioner of Pa.: "The King promises to exlude the Roman Catholics from Parliament rather than not have the liberty of conscience by a law" *Ibid.*, from *Amer. Museum*, vi. 292). Penn was speaking of James II.



from somewhere, and Papists were going to join them somewhere.<sup>2</sup> By its clause, "Roman Catholiques only excepted," the proprietary government of Quakers anticipated the general instructions to royal governors in the non-proprietary colonies; which permitted "Liberty of Conscience to all people (except Papists), if they offend not against the Government."<sup>3</sup>

When the Jesuit Father Joseph Greateon built his chapel in Philadelphia, and began there the public exercise of the Roman Catholic religion, the Governor Thomas Penn made the announcement of this portentous occurrence to the provincial council, on July 25, 1734. This he did with "no small concern." He conceived "the public exercise of that religion to be contrary to the laws of England, some of which, particularly the 11th and 12th of King William III., are extended to all his Majesty's dominions." This "11th and 12th of William III.," constantly cited in the colonies, means the great anti-Popery act which we have fully described.<sup>4</sup> Catholics did indeed suppose that they were protected by the Charter of Privileges granted to Pennsylvania. But, it was observed, the charter itself limited its privileges to what was not "inconsistent with the laws of England." On July 31, the council met again, Penn himself not being present. They read the Charter of Privileges, and they pondered on the law concerning liberty, passed in the province so late as the fourth year of Queen Anne, which was about six years after that of William III. This later provincial act of liberty seemed to render impracticable any prosecution under the English one of William III. The governor was, in consequence, left to consult "our Superiors at home," if he thought fit.<sup>5</sup>

Though Quakers would not fight, and no governor nor any other authority could raise a Quaker regiment, the Pennsylvania house of assembly passed a militia act in 1757, when the war with French Canada had reached its crisis. In this act most vexatious anti-Catholic provisions were made, worthy of William III. and the Georges, who had disarmed Papists, and would not allow them to serve in army or navy.

The question  
of Father  
Greateon's  
chapel, 1734.

The militia  
act and  
Catholics,  
1757.

<sup>2</sup> *Researches*, loc. cit., pp. 177-179; 29th of the 6th month, 1689.

<sup>3</sup> Brit. Mus. MSS., Add. 39,372, *Abstract of the Commissions and Instructions*, etc., f. 8<sup>v</sup> (cf. *History*, I. 266, note 12).—The summarist gives the number of this article in the respective general *Instructions*: Barbadoes, 59; Leeward Islands, 58; Jamaica, 57; Bahamas, 49; Bermuda, 51; South Carolina, 65; North Carolina, 72; Virginia, 77; New York, 55; New Jersey, 55; Massachusetts, 41; New Hampshire, 58.

<sup>4</sup> *Supra*, § 122.

<sup>5</sup> *Researches*, xvi. 83, 84.

The Pennsylvania government enacted that "all arms, military accoutrements, gun powder and ammunition of what kind soever any Papist or reputed Papist within this Province hath or shall have in his house or houses or elsewhere," shall be taken, under warrant from any two justices, who can issue a warrant for search. Forfeiture of all such property was inflicted, if any were found with Papists or reputed Papists, one month after the date of the act. Attempt at concealment was punished with three months' imprisonment, without bail or mainprize. Meanwhile every Papist or reputed Papist between the ages of seventeen and fifty-five years, had to pay a military tax of 20 shillings, which, if necessary, was to be distrained. The *Unitas Fratrum* or Moravians, and other Christian societies, whose "conscientious persuasions are against bearing arms," were to pay a tax of 20 shillings each.<sup>6</sup>

In 1773, the status of Catholics in Pennsylvania was described by the Jesuit Father Ferdinand Farmer, resident pastor in Philadelphia. He wrote to the Jesuit Father Well, of Canada: "In Pennsylvania, by virtue of a royal deed, all religions are tolerated; not that each one is free to publicly perform the rites of his religion; but in this sense that he may accomplish them in private, and that he may be in no wise compelled by any one to share in any exercise whatsoever of another religion than his own. As, however, the oath that must be exacted of all such as desire to be numbered among the born subjects of the kingdom, or who hold divers offices in the Commonwealth, contains a renunciation of the Catholic religion, none of our faith can obtain the like favors."<sup>7</sup>

Catholic  
status in  
Pennsylvania,  
1773.

§ 126. From this sketch of the temper in Pennsylvania, which was the most liberal of all the colonies, we may infer what was in progress elsewhere. New York shall come under review when we follow the movements of the Canadian Jesuits in subsequent chapters; where Bellomont's anti-Jesuit campaign is particularly conspicuous. For the present we note that after the Orange Revolution the first royal governor, Sloughter, who did not hang the insurgents Leisler and Milbourne for their anti-Popery, did honour

<sup>6</sup> Hazard, iii. 180-182: "Passed the House, 84 reading, March 29, 1757" (p. 120).—Of. Shea, i. 448, 449.—*Researches*, vii. 86: this militia act was not approved by the king.

<sup>7</sup> *Researches*, xxi. 118, 119; F. Farmer, Phila., April 22, 1773, to Well, S.J., Mascouche, Canada (see *infra*, p. 595).—The renunciation of Catholic faith required in Pennsylvania was the declaration against Transubstantiation, etc. (cf. *Rec. and Studies*, ii. 418).

to their policy by continuing it in this respect. In an act of May 12, 1691, declaring the rights and privileges of the people, the Legislative Council of New York accorded the free exercise and enjoyment of their religious profession and worship to all persons "professing faith in God, by Jesus Christ, His only Son"; but it provided that "nothing herein mentioned or contained shall extend to give liberty to any person of the Romish religion to exercise their manner of worship, contrary to the laws and statutes of their Majesties Kingdom of England." The next royal governor, Fletcher, fastened the Church of England on the colony in 1693; and his wife procured the banishment of Father Harvey from New York.<sup>1</sup> Then Richard, Earl of Bellomont, pursued a line of legislation, both in New York and in New England, entirely according to the spirit of William III. Besides the anti-Jesuit law of 1700,<sup>2</sup> an act was passed imposing as a qualification for office and for a right to vote the condition of abjuring Catholic doctrine on Transubstantiation, the invocation of Saints, the Sacrifice of the Mass. Lord Cornbury, the renegade cavalry officer who abandoned his colours under James II., made pious efforts, as Governor of New York, to put in execution the law of 1693 on behalf of the Anglican Church.

As time went on, a negro plot in New York (1741) gave occasion for the hanging of John Ury and Margaret Kerry; the latter "a profest Papist," the former, a non-juring Protestant schoolmaster, who was taken to be a Catholic priest. The prosecution of Ury by Mr. Smith on behalf of the king contained very remarkable matter on "the Jesuits' doctrine regarding absolution," taken gravely from the Jansenist *Provincial Letters*. The gentleman contributed to Catholic doctrine divers other points, taken from nowhere in particular. All this was adduced in the effort to prove that Ury was a Catholic priest, and to hang him as such. What the prosecuting attorney, Mr. Smith, said upon this subject reveals either what the public thought, or at least what their minds were fed on; so it is worth while reproducing, as a portrait in miniature of the eighteenth-century's mind.

In summing up with an anti-Popery diatribe the evidence for the king, Mr. Smith said: "We need not wonder to see a Popish priest at this bar, as a prime incendiary; nor think it strange that an Englishman of that religion and character should be concerned in so detestable a design. What can be expected from those that profess a religion that is at war with God

New York  
and Catholics,  
1691-1705.

Exploiting  
anti-Popery,  
1741.

Specimen of  
18th-century  
thought.

<sup>1</sup> *Supra*, p. 152.

<sup>2</sup> *Infra*, p. 189, 190.

and man; not only with the truths of the Holy Scripture, but also with common sense and reason; and is destructive of all the kind and tender sensations of human nature? When a man, contrary to the evidence of his senses, can believe the absurd doctrine of Transubstantiation; can give up his reason to a blind obedience and an implicit faith; can be persuaded to believe that the most unnatural crimes, such as treason and murder, when done in obedience to the Pope or for the service of the Holy Church, by rooting out what they call heresy, will merit heaven; I say, when a man has imbibed such principles as these, he can easily divest himself of everything that is human but his shape; he is capable of any villainy, even as bad as that which is charged on the prisoner at the bar." To the Lords of Trade, the Lieutenant Governor George Clarke wrote at the same time, that many of the conspirators "were christen'd by the priest, absolved from all their past sins, and whatever they should do in the plott."<sup>3</sup>

<sup>3</sup> Cf. 2 Kent (*supra*, p. 162, *ad* note 11).—Brodhead, vi. 202, Clarke, N.Y., August 24, 1741.—*Researches*, xvi., Trial of John Ury, p. 5, the editor's introductory apology, N.Y., April 5, 1810; pp. 40-42, 45, 46, Smith on Catholic and Jesuit doctrine, and his harangue.—*Rec. and Studies*, ii. 428-428, P. Condon on N.Y. legislation.—O'Callaghan, iii. 111-117, the Anglican clergy tax in N.Y. city, Westchester, Queen's County, and Staten Island in 1704.—P. R. O., 582, N. Y., f. 162, Cornbury to the Assembly, June, 1705, on enforcing the law of 1693 in behalf of the Anglican Church. Cf. *Ibid.*, 6, No. 88, *Assembly Journal*, p. 17, October 26, 1710, refusal to act further in the premises.

In connection with the trial of Ury, a New York editor of the *Proceedings*, at the beginning of the next century (1810), apologized and tried to palliate on behalf of the people's good name "the involuntary errors of their forefathers." He deprecated condemning too hastily "the bigotry and cruelty of our predecessors." He represented the people of that earlier date as practically backwoodsmen, to be excused for their isolation. He said: "The advantage of a liberal, indeed of the plainest education was the happy lot of very few. Intercourse between the colonies and the mother country, and between province and province, was very rare. Ignorance and illiberal prejudices universally prevailed. . . ." But when this apology was written in New York, April 5, 1810, it might seem that some ignorance at least did still prevail. For, instead of the rare intercourse here predicated of the New York province at the time of Ury, it should be recalled that, more than twenty years prior to the exhibition of "bigotry and cruelty" on the part of the forefathers in 1741, intercourse between the colonies and Europe had been carried on by no less than 119 vessels a year from the ports of Boston, Salem, and New York; while intercourse among the colonies themselves and with divers parts of the world was maintained by no less than 588 vessels a year from the same ports, not to mention others. (Cf. *supra*, p. 118.) Nor need we advert to the communication by land between the provinces. (Cf. Brodhead, v. 618.)

As to the alleged want of a liberal or even of a plain education, it would have been more relevant to state that the partial and mischievous schooling of a few was operating upon a larger circle of the illiterate around, and producing a condition of obsession, such as Mr. Attorney Smith described—one of "blind obedience and an implicit faith" in everything that was told them. Mr. Smith himself, who exacted such implicit faith in his utterances, was an English university man, liberally educated (Brodhead, vi. 737). One of the judges, Daniel Horsmanden, who indited a letter full of self-satisfaction at having managed to hang a priest when he hanged poor John Ury, was an Englishman of liberal education (*Ibid.*, vii. 528, note). The tone of his letter may have appeared to George Bancroft as "very extraordinary"; we have sketched it in another place (see *History*, I. 106). But it was very ordinary

§ 127. Of all the colonies, Massachusetts might seem to have been least in need of anti-Popery culture. It had been completely cleared, harrowed, and hoed; its pastures were clothed with Independency and Separatism even from the Established Church. It is true that, at a distance, it courted the smiles of Father Edward Petre, the Jesuit councillor of James II.,<sup>1</sup> for it was being very sadly used by that king. Its ancient charter had been lost by *Quo warranto* proceedings; and it did homage to all the divinities within reach, in the effort to obtain a new charter, which would suit its cast of mind. James II. gave place to William III.; and the Massachusetts Commonwealth now dealt with congenial spirits in the English authorities. Five score of pages in the minutes of the Board of Trade are filled with negotiations on the new charter. The Massachusetts agents checked the items and articles proposed by the attorney-general. One article ran thus: "Liberty of conscience to be granted to all Christians, except Papists." The agents checked it: "Not accepted of." The incidence of their veto was clearly not on the exceptional clause of Papists being excluded from toleration; it must have been on the substantial predicate, that "all Christians" were to be granted toleration. The charter, which passed the great seal, October 7, 1691, contained the article under another form: "There shall be a liberty of conscience allowed in the worship of God to all Christians (except Papists), inhabiting, or which shall inhabit or be resident in our said Province or territory." The simple term, "liberty of

for that time, and explains perfectly well how liberally educated people of this kind, inculcating their principles on the illiterate, could, to use again the figurative verbiage of Mr. Smith, not only be divested, but help to make others divest themselves of everything that was human but their shape, and be "capable of every villainy," even as bad as that which they perpetrated on the bench and at the bar. Compare *History*, I. 96, where it will be seen that, though this trial of John Ury took place one hundred and thirty years after the time of James I. and Lord Chief Justice Coke, still the court of justice in the colonies was what it had been then in England; as Hallam called it, a cavern of murderers, with a prosecutor virulent, and a judge hardly distinguishable from the prosecutor.

As to the apologist's further plea that "illiberal prejudices" had prevailed, implying that they no longer held sway when he wrote in 1810, we cannot fail to note that in 1810 more than thirty years had passed since the American Revolution, and yet the Constitution of New York State excluded Catholics from naturalization. Article XLII. exacted an oath renouncing obedience "in matters ecclesiastical" to any foreign authority (the Pope). At the Convention in 1777 John Jay, supported by nine out of thirty-nine delegates, had proposed also that the anti-Catholic test oath should contain a renunciation of the Sacramental doctrine of penance: "The dangerous and damnable doctrine that the Pope or any other earthly authority hath power to absolve men from their sins, described in and prohibited by the Gospel of Jesus Christ" (*Rec. and Studies*, ii. 426). Eleven years had still to pass before a new Constitution (1821) removed the "illiberal prejudices" so far as to grant the franchise to incoming Catholics. Cf. *History*, I. 115, note 21.

<sup>1</sup> *Supra*, p. 105.

conscience" would have been clearer; but "a liberty of conscience" must have been more satisfactory; for it left the amount to be granted entirely at the discretion of the Commonwealth.<sup>2</sup>

The occasion of a new charter was not allowed to slip without petitioning for the annexation to Massachusetts of Nova Scotia or Acady, as also of Maine, and the province of Hampshire with the government thereof.<sup>3</sup> As the Earl of Bellomont came in 1698 to be Governor of New York, Massachusetts Bay and New Hampshire, it is enough for our purpose to take note of this combination in estimating the reach of anti-Jesuit legislation under Lord Bellomont.<sup>4</sup>

On March 14, 1699, Bellomont published a proclamation for Massachusetts Bay, denouncing "some evil-minded and wicked emissaries," who "suggest and insinuate to the Indians of the several plantations . . . as if his Majesty had withdrawn his protection from them, and designed to cut off and utterly extirpate them." In his Instructions to commissioners sent from Albany on a message to the Five Nations, March 21, 1700, Bellomont was so specific about investigating the Jesuit missionaries on these points, that the proclamation seems to have been directed against them. Six days after the first pronouncement, his lordship issued another proclamation, which was congenial to the spirit of Massachusetts. He ordered a General Fast for the 25th day of April next;<sup>5</sup> which reminds us of the North Carolina effort made by the pious Governor Dobbs, who proclaimed a day of Solemn Fasting and Humiliation, and, transmitting the document to Secretary Pitt, accompanied it with his

<sup>2</sup> P. R. O., *Entry-Book* 62, pp. 278, 336; July, 1691. In the marginal gloss: "Not accepted of," some one has underlined "not" with pencil, adding, "s in orig."; and, pointing to the paragraph, writes further in pencil: "Paragraph omitted in orig." At the beginning of the document he puts: "See Orig. N. E. B. T., vol. i. 520." In *B. T.*, *New England*, 5 (first of the series), 1689-1691, f. 520, the original minutes, signed by George Treby, are wanting in the particle "not," before "accepted of," and the whole paragraph is there.—*Ibid.*, No. 262, Mass. printed acts, 1692-1719, charter of 1691, p. xii.

<sup>3</sup> P. R. O., *Entry-Book*, 62, p. 298; August 27, 1691.

<sup>4</sup> Governor W. Shirley, in 1754, sketched the antecedents of the Commonwealth thus, that in the beginning of William and Mary's reign a renewal of the old charter was refused, but "it was thought good policy to put an end likewise to the charter colony of New Plymouth, and to erect and incorporate the old colonies of the Massachusetts Bay and New Plymouth, together with the provinces of Main and Nova Scotia, into one province, which is now the present province of the Massachusetts Bay, saying that the Crown hath disannex'd Nova Scotia from it; and to grant them a new charter, wherein the Crown hath resum'd its prerogative." Shirley is arguing, like others of that time, against the independent character of the old chartered governments and proprietes, and, for a stronger reason, against the new-fangled Albany plan of a general colonial union, which boded mischief. (P. R. O., 68, W. Shirley, Boston, December 24, 1754, to Sir T. Robinson.)

<sup>5</sup> P. R. O., *B. T.*, *N. E.*, 10, G. 10, G. 16.

anti-"Papal Beast" hymn, to be sung to the tune of the psalm, "Old Hundred."<sup>6</sup>

Having taken these precautionary measures, which cost the labour of composing pages in fine style, and printing them in equally fine Gothic lettering, the Earl of Bellomont delivered an address, on May 30, 1700, to the Massachusetts council and house of representatives, convened (May 29) at Boston. He commended to them the French minister in the town, and the Huguenots in general, "a good sort of people very ingenious and industrious." Then, taking a large view of other governments, he descanted on the Jesuits, who, he affirmed, had been instigating the eastern Indians (Penobscot, Abenaki) to massacre New Englanders; and who, he continued, "poyson the Indians with their gross idolatry and superstition." He said besides that the Jesuits have lately "despatch'd out of the world by poyson" several of "our forward fighting Indians [*the western Iroquois*] that were best affected to us."<sup>7</sup> He lamented the loss of "the Eastern country call'd Acadie or Nova Scotia," as well as of Canada, ceded by treaty to the French—"a most execrable treachery to England, and intended without doubt to serve the ends of Popery." He proceeded to pour himself forth: it was well known "of what religion he died," the King, James II., who parted with all that country to the French. The Secretary of State too, who countersigned the original order of surrender, "afterwards died a Papist."<sup>8</sup> Such fatal misgovernment in the late reigns, ought to give us the highest veneration and value for his present Majesty, who is in all respects a true Protestant king, both in the watchful and indulgent care of his Protestant subjects, and his great moderation to others." With similar moderation Bellomont now said: "I wish you would this session, without further delay, make a law for punishing such Jesuits and other Popish missionaries, as shall at any time presume to come within this province."<sup>9</sup> In this harangue to the Massachusetts assembly, the statement was, no doubt, exact, that Nova Scotia or Acadia, with the country of the eastern Indians, did not belong to England or New England, any more than Canada did.

Bellomont's  
anti-Jesuit  
harangue,  
1700.

<sup>6</sup> *Infra*, p. 204.

<sup>7</sup> See *infra*, p. 372, on the poisoning episode.

<sup>8</sup> Robert, Earl of Sunderland, became a Catholic while Secretary of State.

<sup>9</sup> P. R. O., *Mass.*, 561, f. 92, printed quarto.—*Ibid.*, B.T., N.E., 49, minutes of council, *Mass.*, pp. 5-7.—It was on March 25, 1700, two months before this speech was delivered, that the anti-Popery law of William III. had gone into operation. That probably inspired Bellomont with the sentiment about the king's "great moderation to others."

Between June 11 and June 17, 1700, the bill against the Jesuits passed through all the stages in both houses, and, being signed on the latter date by Governor Bellomont, became law. It was from the pens of Messrs. Wait Winthrop, Elisha Cooke, Samuel Sewall, and the secretary, Isaac Addington, who had been commissioned for the purpose. The law did not say, what Bellomont betrayed in his speech, that Acadia or Nova Scotia, with the eastern Indians there, belonged not to England but to France. It assumed just the contrary, beginning with the words: "Whereas divers Jesuits, priests, and Popish missionaries, have of late come, and for some time have had their residence in the remote parts of this province, and other his Majesty's territories near adjacent." The basis of the new law was the former one, published in Salem, 1647.<sup>10</sup> There were the same penalties of imprisonment and death. But there were improvements. The very first grade of penalty was simply "perpetual imprisonment," without any mention of banishment. Very precise was the manner of detecting a Catholic ecclesiastic, who was described as one "that shall profess himself, or otherwise appear to be such, by practising<sup>11</sup> and teaching of others to say any Popish prayers, by celebrating Masses, granting of absolutions, or using any other of the Romish ceremonies and rites of worship." Then a lengthy paragraph provided the penalties for receiving or harbouring any Jesuit or priest: a fine of £200, one moiety being for the informer; the pillory on three several days; and surety for good behaviour. Not only justices of the peace were empowered to act; but "also it shall and may be lawful to and for any person or persons to apprehend, without a warrant, any Jesuit, seminary priest, or other of the Romish clergy, as aforesaid"; and such "good service done for the king" shall be deserving of a suitable reward, as the governor and council shall think fit to bestow. The tenor of this law agreed perfectly well with the Cromwellian legislation against highwaymen and Jesuits.<sup>12</sup>

Four days later (June 21), the council passed a resolution, which embodied the policy called now-a-days "pacific penetration." It was resolved, "in order to the settling of the eastern Indians under obedience to his Majesty," that "three able, learned, orthodox ministers" should be sent among them; for whose maintenance application should be made to "the Hon<sup>ble</sup>. gentlemen, agents of the Corporation for

The anti-Jesuit law, Massachusetts, 1700.

Pacific penetration into Indian property.

<sup>10</sup> *Supra*, pp. 109, 110.

<sup>11</sup> "Practising," not "preaching," as the law is cited in *Rec. and Studies*, ii. 114.

<sup>12</sup> Cf. *supra*, p. 55.



Propagating the Gospel amongst the Indians"; as well as to the "neighbouring provinces and colonies, for carrying on so necessary and pious a work"; and, with generosity rare in Massachusetts history, the Board did resolve that "this Government" would supply what might happen still to be wanting. The final recommendation of the resolution was fruitful in results: "That his Excellency be humbly pray'd to endeavour that the like care and provision may be had and made for the Indians within the province of New Yorke under his Lord<sup>sh</sup> government, for the supplying of them with able learned ministers, and otherwise as herein is proposed. Consented to: Bellomont."<sup>13</sup> The anxiety manifested that the ministers among Indians should be able and learned indicates the terror inspired by the Jesuits. The suggestion that New York should follow in the wake of Massachusetts bore fruit immediately in the enacting of an identical anti-Jesuit law by the assembly of the New York province.<sup>14</sup>

On July 29, in the same year, 1700, Bellomont opened the session of the New York assembly. Only three laws succeeded in passing the two houses. One regarding the Five Nations struggled through with difficulty, and the governor expected it to be disallowed in London. Another was about commissioners for auditing accounts. A third, the solitary act which, amid all the wrangling, seems to have created not a ripple of dissension, was an "Act against Jesuits and Popish priests." With scarcely a verbal variation it was the same as the Boston law of June.<sup>15</sup>

The anti-Jesuit law,  
New York,  
1700.

<sup>13</sup> In the same resolution there was a recommendation to alip in "a tradeing house with a suitable fortification," at some place in Casco Bay. This seems to have become in after times an argument, that Massachusetts had possessed the eastern Indians' country, fifty years before even the present date; for otherwise it would not have presumed to establish a post there. Compare W. Shirley, governor, from Falmouth in Casco Bay, August 19, 1754, to Sir T. Robinson, for a specimen of history as spurious as the date for which it was given, "100 years ago"; which would have been 1654! Shirley relates how he had bravely told the natives that "the English had purchas'd all the lands" of the Norridgewock Indians, as high up the Kennebeck as "near 100 miles, by deeds which themselves at the treaty last year acknowledg'd to be genuine"; also that the English "had built a truck-house, above one hundred years ago," etc. (P. R. O., 67). This shows the sort of right which was the ground of facts, and the value of an accomplished fact as a ground of right, *fons juris*.

<sup>14</sup> P. R. O., B.T., N.E., 49, minutes of council, May 29-July 30, 1700, pp. 5-7, opening speech; pp. 7, 19-27, drafting committee, May 30, and process of the anti-Jesuit bill, June 11-17; pp. 55, 56, council resolution on pacific penetration, June 21, concurred in by representatives, July 9.—*Ibid.*, 562, Mass. printed acts, pp. 169, 170, the anti-Jesuit law, first in order for the session (begun May 29, 1700): "No. 110. Confirmed [by the King], June 12, 1701."—*Abridgement of Laws*, p. 298.—As to the ministers and Jesuit intimidation, cf. Brodhead, iv. 717, Bellomont, New York, October 17, 1700, to the Lords of Trade. The two ministers he urgently asks for "must be men of sober and exemplary lives, and good scholars; or they will not be fit to instruct the Indians and encounter the Jesuits in point of argument."

<sup>15</sup> Brodhead, iv. 713.—*Rec. and Studies*, ii. 113-115.—*Abridgement of Laws*, p. 294.

His lordship then went to Albany for a grand conference with the Five Nations of Indians; and on the fourth day, August 29, 1700, he told them that the best way to be rid of the Jesuits "is to make prisoners of them as often as they come into your country, and bring them to mee; and, for every such Popish priest and Jesuit which you shall bring to this town and deliver up to the magistrates, you shall have one hundred peeces of eight paid you down in ready money, as a reward.<sup>16</sup> Wee have a law in this province for the seizing and securing all Popish priests and Jesuits; and I would very gladly put that law in execution against those disturbers of mankind; and I hope you will take special care to comply with my desire herein, if you will do an acceptable service to the King, and will deserve the continuance of my friendship." How the sachems, next day, called his lordship to order on this point will appear when we speak of the Canadian Jesuits.<sup>17</sup>

The price on  
a Jesuit's  
head, 1700.

At present it is only to be observed that there was no law in New York or anywhere else, to authorize the kidnapping of Jesuits outside of the province and bringing them in, or suborning others to do so; still less to authorize the indicting of such Jesuits as criminals inside, when they had wanted to stay outside. So the Parliamentary tribunal in 1645 had acquitted Fathers White and Copley, confessedly priests, of being found within the realm of England, when the accused pleaded that they had been taken prisoners in Maryland, and brought over the ocean against their will.<sup>18</sup> The terms of the very law cited by Bellomont forbade precisely what he was soliciting the sachems to do: that they should bring to Albany, said he, any Jesuits who "come into your country."<sup>19</sup>

§ 128. If we glance at the southern colonies and the islands, we find the letter of William III.'s anti-Popery legislation often reproduced, the spirit always. The enactments in Virginia we have already noticed.<sup>1</sup> Georgia was an exemplary colony. It was under a proprietary government. It reposed on a basis of pure philanthropy, and, of course, on a bed of justice, a *lit de justice*. Oglethorpe and the Earl of

Georgia.  
Discriminat-  
ing exclusiveness.

<sup>16</sup> About £20 or £25 sterling.

<sup>17</sup> Brodhead, iv. 736, 737. See *infra*, p. 391.

<sup>18</sup> *Supra*, p. 12.

<sup>19</sup> It would have been highly dangerous for Bellomont to insinuate before the Iroquois that their country was an English possession. Throughout the century, till the American Revolution, they were never affronted thus to their face. The manoeuvres behind their backs will appear on subsequent pages. Cf. *infra*, p. 365.

<sup>1</sup> *Supra*, pp. 161, 162.

Egmont, with coadjutors, founded the province in 1732, "to provide an asylum, to which the poor and unfortunate debtors of England, and the oppressed Protestants in other parts of Europe could come, and live in peace and earn a livelihood by industry and frugality." The charter which they obtained, in the fifth year of George II., provided liberty of conscience for all persons "except Papists." No Catholic, were he a "Jesuit in disguise," or a layman, was safe from discovery, which the test oaths could effectuate at any moment.

Two other acts of exclusion came to supplement the charter. They had been prepared in London and had received the royal approbation (April 3, 1735). One was "to prevent the importation and use of rum and brandies in the Province of Georgia"; the other, under the plea of "rendering the colony of Georgia more defensible," prohibited "the importation and use of black slaves or negroes." But, seven years afterwards, it was found that the rum "would tend to the advantage and promote the trade of Georgia"; so the embargo was taken off the rum. Eight years after that it was thought that "it may be a benefit . . . and a convenience and encouragement to the inhabitants," if the negro trade was allowed free course; so that too the philanthropic colony admitted. No reason occurred to any one for taking the embargo off Catholics. All the philanthropy of Georgia came to be liquidated in general discontent, twenty years after the foundation of the colony (1752), which then became a royal government. Royalty itself was liquidated one quarter of a century afterwards in the revolutionary State Constitution of 1777. But not even then did the legislators find a broader basis of philanthropy on which to rest the new law of liberty than by providing that every member of the legislative body "shall be of the Protestant religion."

The year before a neighbouring state, North Carolina, had elaborately made "religious principles" a qualification for "holding any office or place of trust or profit in the Civil Department within this State"; and no one who denied "the truth of the Protestant religion" was eligible for such a post. More than half a century after the American Revolution, a successful effort was made to substitute in this restrictive and disabling clause, the "Christian" for the "Protestant" religion. W. Gaston, a Georgetown student, judge of the Supreme Court, reasoned before the Convention, that the Protestant religion could not be denied, because it was indefinite; that Catholicism did not either deny or disbelieve any truths contained in Protestantism; and that, in any case, internal disbelief was not a denial in the sense

North Carolina. Pre-ferential divinity.

of a statute. These points were correct. Certainly if a religion was founded on a negation, it presented nothing definite to gainsay; or, if it did retain any definite points from the Catholic fund of truth, Catholicism was the last either to deny a positive residue of its own still hanging about Protestantism, or to begrudge the enjoyment of such residual truth to the policy of the civil State.<sup>2</sup>

§ 129. Barbados presented a fair example before and after the Orange Revolution of trimming one's sails to the wind. It was Protestant and intolerant enough, as we have seen already.<sup>1</sup> But, under James II., Catholicism was not at all out of fashion. Edwyn Stede, an agent in Barbados Barbados,  
Papist and  
anti-Papist. for the Royal African Company, and afterwards a councillor, became acting governor; and he was very loyal to King James. His despatches to the Earl of Sunderland show it; as also his civility to a French Jesuit, "M. Martin Ponisett, the General Superior of the Jesuit mission in America," who, having come to Barbados, designed to remain, and received notification from Stede that, if he were not civilly used, he, the governor, desired to be informed. The Orange Revolution followed, and William III. was proclaimed by Stede. The Anglican clergy remained faithful to James II.

For the very things which Stede himself had been doing, and which the Anglican clergy were doing still, this governor seized and imprisoned Sir Thomas Montgomerie and Willoughby Chamberlayne. They had turned Papists, said Stede; they had corresponded with governors, Jesuits, priests of the neighbouring French islands; they would shortly have obtained priests; and, if that idolatrous superstition had continued, they would have turned Barbados into a Popish, if not into a French island. He expressed his regrets to the Earl of Shrewsbury that Montgomerie's correspondence with the Earl of Sunderland, with Father Petre, and a number of other Papists, had been lost in a ship which bore the Jesuit Father Michael. With Sunderland, Secretary of State under James II., Stede himself, as in duty bound, had been corresponding regularly.

A vast number of documents, chiefly depositions taken for the purpose by Stede, were sent over by him to Shrewsbury, the new

<sup>2</sup> (Georgia), *Colonial Records*, i. 21, charter, 1732; pp. 44-48, 50-52, acts on rum and negroes, January 9, 1734; pp. 54-56, 56-62, repeal, 1742, 1750.—*Ibid.*, iii. preface. Cf. Lecky, *England*, ii. 131, 132, on Oglethorpe.—*Johns Hopkins Univ. Studies*, 11th series, v.-vi. 61-64, S. B. Weeks, on Church and State in N. C.—*Researches*, vii. 129, 130, on N. C.—*Rec. and Studies*, ii. 409-411, P. Condon, on Constitutional Freedom.

<sup>1</sup> *Supra*, pp. 100, 101.

Secretary of State. There were among them some letters ; one from the lady superior of the Ursulines at Martinique, another from Alexander Plunkett, a Capuchin in Virginia, to Montgomerie ; one from Father La Forest to Chamberlayne ; also a list of persons present at Mass in Chamberlayne's house. It is true that, in one paper from Montgomerie himself to Stede, the gentleman who was now under arrest for consorting with Papists averred that he was born and meant to die a Protestant, and that he had entertained a Jesuit priest only because such persons were in favour at Court. But Stede endorsed the paper : "This petition shews the greatest falsehood and hypocrisy" ; and he enriched other papers with similar comments. In his despatch to the Earl of Shrewsbury he arranged for a forfeiture and good fine, at the cost of Montgomerie ; and he added considerably that he should be happy to serve the earl in the matter of the fine by passing it over to him, if their Majesties would grant the bonus. The end of it all was that Stede completely ruined Sir Thomas Montgomerie.

Meanwhile he celebrated the proclamation of William and Mary in the grandest style. Not to mention the splendour of the cavalcade and the ball, so extensive and sumptuous was the dining, the supping, the drinking, with plenty of all sorts of good wines and other choice liquors, "and other pleasant liquors fit for ladies and such occasions," that it looks as if Stede himself, the other gentlemen, the three troops of horse, and the regiments of foot, went to rest that night in the mental and moral condition proper to gentry of the time. The gentleman, who wrote this account from Barbados for the edification of England, concluded with logic worthy of the occasion, and probably influenced by its mellowing incidents. He hoped, said he, this may suffice to show that we have a wise, loyal and noble-spirited governor. While the spirits of this crew were so high, Chamberlayne and Montgomerie were lying low in "the jayle." Of the Anglican clergy only one lone individual could be roused to come and honour the line of route with his presence, the rout with his company, or the Revolution with his acquiescence.

In the Barbados legislation which followed for the relief of dissenters we have the usual commentary on what was meant by the word "Protestants." The term signified merely non-Catholics. Catholics. All Protestants, however they might dissent from the Church of England in matters of worship, and all Quakers dissenting in the substance of Christianity itself, should have the full benefit, ease and indulgences granted and allowed by the act

made, 1 Gul. & Mar. Instead of oaths, the solemn affirmation of Quakers should be accepted, according to the act, 7 & 8 Gul. III.<sup>2</sup>

§ 130. The smaller the receptacle, and the more energetic the contents, so much the more obvious for a scientist's observation is the course of the tempest raging within. An experience of this sort we find to our satisfaction among the Leeward Islands.

In the year 1701, immediately after William III. had passed his anti-Popery law, a general act was passed for the four islands of St. Christopher, Montserrat, Antigua and Nevis, "to curb" the Catholics, as Governor Mathew at a later date gravely stated. By this act, to quote the analysis of his Majesty's lawyers and the Board of Trade, "all persons who shall neglect or refuse to take the oaths appointed in the room of the oaths of allegiance and supremacy, and [to] take, repeat and subscribe the [*Test Oath*] Declaration made in the 30th year of King Charles the Second, within ten days after their arrival in that island with an intent to reside therein, shall be deemed not qualified to live on the island, but shall immediately depart under forfeiture of their goods and chattels, or, in want thereof, six months' imprisonment without bail or mainprize; and then be sent off the island, and not to return under pain of death. That any person or persons encouraging Papists or reputed Papists to inhabit there, by hiring them as servants, etc., or freeing them from servitude on pretence of charity, knowing them to be Papists or reputed Papists, shall suffer twelve months' imprisonment; and the person so hired or freed shall be sent off the island, not to return upon pain of death. That all male servants shall within twenty days after their servitude expired take the oaths, or depart the island upon pain of death. That all children born of Popish parents, who shall at the age of eighteen years refuse to take the oaths, shall be debarr'd from inheriting or possessing any lands, goods or chattels; but the next of kin being a Protestant shall inherit the same. That no Papist or reputed Papist shall purchase any lands, etc., in this island, either in their own name, or the name of any person whatever. That, if any Papist shall refuse to deliver possession of his lands, etc., to the [*Protestant*] next of kin, the marshall shall give possession by a warrant from a justice of the peace."

Leeward  
Islands.  
Anti-Popery  
act, 1701.

<sup>2</sup> P. R. O., *Cal.*, vii. §§ 1830, 1881, July 12, September 1, 1688, Stede to Sunderland; viii. § 155, May 30, 1689, same to Shrewsbury; § 157, 65 enclosures; § 158, the celebration.—*Abridgement of Laws*, pp. 255, 256.

This reproduction, in the little West Indian isles, of the Orange legislation in bigger England, affords a good specimen of several principles in operation. One is that, which a pagan philosopher expressed thus: "What is done after a sample, people take of course to be rightly done; but something, yea much, they add and throw in of their own."<sup>1</sup> And there is no saying what may ensue, when the licence of sheer wantonness is substituted for law; or, worse still, is substituted by law.<sup>2</sup> In this case, said Bacon, it is not a law that is made; but law is unmade by a faction, "as happens often," the motive being the spirit of the times, and complicity in the guilt.<sup>3</sup> Thus what in human society is meant to be the most powerful sanction of right becomes a bludgeon in the hands of a faction; since, out of respect for law, even "a dog's obeyed in office," said Shakespeare. Nor is he unconscious of the purchase which his office gives him over the property and lives of others; as Lord Chief Justice Coke said with equanimity, when administering the atrocious anti-Catholic laws of Elizabeth and James I.: "We have God, the King, and the law of the land on our side."<sup>4</sup> Or, as a Lord Chancellor in Ireland said to a Catholic gentleman from the bench in 1759: the laws "did not presume a Papist to exist in the kingdom; nor could they breathe without the command of Government."<sup>5</sup> But it suffices for our West Indian piece to recall the keynote which the Virginian historian gave us: A "narrow and impolitic spirit, qualified in the mother country by a thousand circumstances which softened its rigor and severity, had the fullest scope in the colonies for displaying its malignity."<sup>6</sup>

The general law of 1701 for the four Leeward Islands laboured under a technical defect in some quotation of an English act; and it was eluded in three of the islands. But in Nevis, where, as the Orange Irish governor, William Mathew, wrote in 1746, "this law has been exactly observed,"<sup>7</sup> it

Nevis free  
from Catholic  
tenants.

<sup>1</sup> Cicero, *Epist. ad fam.*, iv. 8: "*Nam quod exemplo fit, id etiam jure fieri putant; sed aliquid, atque adeo multa addunt, et afferunt de suo.*"

<sup>2</sup> *Ibid.*, ix. 16: "*Omnia sunt incerta, quum a jure discessum est; nec praestari quidquam potest, quale futurum sit, quod positum est in alterius voluntate, ne dicam libidine.*"

<sup>3</sup> Bacon, *Aphor. de fontibus juris*, 2: "*Quod si ex ratione temporum et communione culpa id eveniat, ut pluribus et potentioribus per legem aliquam periculum creetur quam caveatur, factio solvit legem; quod et saepe fit.*"

<sup>4</sup> Cf. *History*, I. 488.

<sup>5</sup> *Amherst*, i. 69, 68.

<sup>6</sup> *Supra*, p. 162.

<sup>7</sup> There is some obscurity in the language of Mathew here to the Lords of Trade, November 6, 1746. After stating that the general law of 1701 was "now look'd upon

operated so well that he went on to say: "There is not an acre on that island that has not a Protestant owner. And, if I may use the words of a learned countryman of mine, they may, I think, be to the point here: Were it even true that the island was empty, that 'twas better so, than to be fill'd with dangerous tennants."<sup>8</sup> Notwithstanding all this, the Orangeman proceeded to remark of the other three islands, Montserrat, St. Christopher and Antigua: "'Tis certain the Roman Catholiciks strangely spread (be they servants and overseers as well as masters) over the three islands." And they had "cheerfull looks" when the British were defeated at Fontenoy, Preston Pans, and Falkirk; whereas they showed "melancholy concern" when the British triumphed at Culloden.

In Montserrat there were about four Catholics to one Protestant. Now, by an ancient usage, it happened that in one parish Catholics were allowed to vote for members of the assembly.

But a certain councilman, coming to preside over the election, refused to admit the Catholics of that parish to vote. These sued him for £1000 damages. The attorney-general informed Governor Mathew, that they had the right on their side; and that no English law took their votes from them. Hereupon, the governor yielded to that parish. Then all the parishes demanded their rights. But "their lawyer declin'd pushing this claim for them." This, wrote Mathew in dismay, "must have given them the sole choice of an assembly, which therefore must consist of none but Protestants, their creatures or dependants; in effect, 'twas striking at the root of the Protestant legislature in that island." He meant that the root of the Protestant ascendancy, which flowered in the exclusively Protestant assembly of Catholic Montserrat, would be cankered, if the breath of an approving Catholic vote passed over the Orange flower. As the poet Moore said of the select Orange garden in Ireland, the people at large were to be returned as *Non est inventus*.

Thoroughly alarmed, Mathew, not having the executive audacity of the Nova Scotia governor Lawrence and the show of Admiral Boscawen's fleet riding at anchor, hinted at the precise policy which

as obsolete," he begins this next paragraph: "Nevis pass'd a law for that island only to restrain them [*the Catholics*]."

<sup>8</sup> Here Mathew might have driven his point further home by citing the tribe of Swabians too, who, unencumbered with clothes or saddles, professed it to be the greatest glory of their commonwealth if they had the country around them as wide a waste as possible. That with the Swabian, as with the Iroquois tribes, showed the pride of their arms (Cæsar, *De Bello Gallico*, iv. 1). The imbecility of hate inspired Mathew's tribe with the very same ambition.

Montserrat  
free from  
Catholic  
voters.



Lawrence a few years later carried out, and which the British fleet supported by the prestige of its presence against the 9000 French Acadians. "In these little islands," wrote Mathew, "a few make a mischievous majority; on the continent, these Roman Catholics settling could be of no such danger." Clearly he had the will, but probably not the power, to despatch the "few," whom he conceived to be a "majority"—that is, the four to one majority, whom he was conceiving to be few. Nor, for that matter, had Lawrence the power, when he had the will, to disperse the great population of Acadia; hence his recourse to fraud and surprise. About the same time, a third, who wrote for the public in 1755, describing himself as "in every sense an Englishman" and "a Protestant," showed the identical anti-Popish will on a very large scale. Like Mathew feeling about for the expulsion of a population, this non-persecuting gentleman felt about for a general eviction of Catholics from the whole English-speaking world. He could find no "one regular system" of doing this, "unless the restrictive laws made in Great Britain with respect to Roman Catholics were, by one short and general law, [*to be*] passed here [*in England*], extended to all our colonies and plantations in America." At present he sadly discerned that all other provisions of a less drastic kind do "only serve to remove Roman Catholics from hence into another quarter, more defenceless against them—into our colonies, where they enjoy the benefits of our constitution, and are not under all those wholesome restrictions." The restrictions, he explained, were the laws in being, which justified themselves as accomplished facts: "This nation has found it absolutely necessary to restrain Roman Catholics by law" from every thing worth living for in a civilized community; and the liberal gentleman mentioned in his list of Catholic contraband the keeping of horses. But "these provisions," he said, including the whole system of grinding in Ireland, "do not reach far enough."<sup>9</sup>

Thus the Protestant Englishman, who professed that he utterly detested "persecution on account of private sentiments in religion";

\* "Some Thoughts upon America," 2 pp. fol.; published in part, *Penna. Gazette*, July 17, 1755. See *Researches*, xi. 11-13.—Here this Protestant Christian, who detested persecution, says he, is lamenting that laws, which drove Papists out of the realm, did not drive them out of the dominions also of England. Livy, who was not a Protestant Christian, put a sentiment of commoner import into the mouth of the Macedonian King Perseus, who was not a Protestant Christian either: "Goodness! Of what use is it for a man to be ushered out of the door into exile, if there is to be no place for the exile to get a footing in! *Et Hercule! quid attinet cuiquam exsilium patere, si nusquam exsuli futurus locus est!*" (xlii. 41).—Cf. *supra*, pp. 120, note 15; 465.

the English governor, General Lawrence, with the help of Admiral Boscawen in Nova Scotia; the Irish governor Mathew, in the Leeward Islands—all agreed, but with a difference. The first, the nondescript publicist, did not know what to do with the Catholics, for fear of spoiling the good things of the colonies with such people, and spoiling such bad people with good things. The second, Governor Lawrence, posing with his Majesty's fleet in the background and a spurious law in his hand, pirated 9000 Papists from their homes, and flung them over all the colonies, outside of his own. The third, Governor Mathew, at a loss like the first, and less resourceful than the second, looked wistfully the way of the latter, but was reduced to taking the way of the former. He proceeded to advocate the sanguinary law of Nevis for reproduction in Antigua and in Catholic Montserrat also.

So, on September 25, 1746, Antigua was thoroughly aroused to a sense of its defenceless condition, through having allowed the old law of 1701 to be eluded, and "look'd upon as obsolete." *The Antigua* The assembly passed "an Act to prevent the increase <sup>act, 1746.</sup> of Papists in this island." Mathew stated its origin: "much of this now [*new*?] law of Antigua was taken" from "the general law of the four islands," 1701. But, when the Lords of Trade referred it to the attorney-general and solicitor-general, Sir Dudley Ryder and William Murray, they received an opinion in reply, that "the said act is not proper to be approved of"; and accordingly they submitted a representation to the Lords Justices advising the disallowance of the act. In their summary of the law, there is no mention of the sanguinary provisions, which prevailed in Nevis; but they considered the enactment ineffectual, tyrannical, discouraging to trade. On November 28, 1748, an Order of Council issued, enjoining the repeal of the offensive legislation.

More than once, Mathew insinuated to the Lords of Trade, that it was the Catholics who had been, or would be, a motive power in London for obtaining the disallowance of such acts. As to the Antigua law, he said on November 6, 1746: "The Roman Catholicks publickly boast they have interest and money enough to get it disallow'd at home." As to a Montserrat assembly act, he wrote, August 12, 1749: "I have never yet seen any copy of a complaint against me by the Roman Catholicks in London for passing the Montserat Assembly act; the chief of them here [*in Antigua*] disown'd the complaint to Mr. Attorney General."<sup>10</sup>

<sup>10</sup> For the sources of this § 130, see *infra*, p. 208, note 1.

§ 131. While this model governor was pursuing a course so congenial to his origin and his politics, he was also conducting a campaign in the line of domestic economics. He wanted his nephew, Mr. William Burt, in the council. A Colonel Edward Jessup was there; and he had some marks of the Papist about him. The campaign of nepotism took the line of substituting the Protestant kin for the Papist kind. It began a long way off. Mr. William Fenton of Montserrat instructed Mr. Burt of St. Christopher, on the motives of credibility for pronouncing Colonel Jessup a Papist. A certain Mr. Blake, when pressed hard on the subject of Transubstantiation and the invocation of saints, had been wont to declare warmly that he wished Colonel Jessup were present, "who could say more for the cause than he could." James Farrill of Montserrat should be called on for a deposition that Jessup was a Catholic. Accordingly, Farrill made a deposition which was very damaging. He had seen the colonel at the English College of Jesuits at St. Omer's on intimate terms with the Fathers, on his knees at devotions and at the Communion table; and indeed he had heard that "the said Jessup or English Colonel was a professed Roman Catholick, and had lately placed one of his daughters in a convent." This was eight years before. Farrill also deposed that Jessup had been actually at Mass in Montserrat; and the colonel had "openly told several of his Roman Catholick friends that his daughter had lately become a nunn in that profession. And further this deponent saith not. James Farrill." Dr. Peter Canovan, however, happened to depose later, that, before he himself was a student at St. Omer's, James Farrill, having also been a scholar there, had been put out of the institution by the summary process of expulsion. Farrill's deposition did not stand alone. There was William Wyke who deposed that, passing by the house of Mr. James Farrill, he had seen Mr. Jessup at Mass there, "in the middle of the congregation"—a circumstance of which neither the egregious Farrill himself, nor Farrill's wife, nor Farrill's daughters knew anything.

All this frivolous matter was examined minutely and very gravely by the Lords of Trade; was made the subject of an exhaustive analysis which they communicated to the Lords Justices; and then it formed the ground of their recommendation regarding the state of the question; which was, whether the suspension of Jessup from the council by the act of Governor Mathew, and the substitution of Mathew's nephew Burt, were

Issue between  
a Protestant  
and a con-  
forming  
Papist.

Decision of  
the Lords of  
Trade.

measures to be approved or not. At the same time, Mr. Jessup did, indeed, admit "that he was originally educated in the Roman Catholick religion, and that he had a daughter who was likewise educated and still continues in the same persuasion; but that he has had no communication with the Church of Rome these twenty-six or twenty-seven years"; besides, he frequently took the oaths, subscribed the Test, and attended the service of the Church of England. Their lordships affirmed "that Mr. Jessup bore a very good character, and was generally esteemed by all people there, and that William Wyke and James Farrill, who made and swore to the above-mentioned depositions, were persons of very immoral and profligate characters." So, Jessup's standing being unimpeachable, the Lords of Trade recommended to the Lords Justices that Mathew's suspension of Jessup, as a person inadmissible at the council board, should be upheld; the ostensible reason assigned by their lordships being, not that the gentleman had been a Catholic, but that certain protests of his at the council board had contained "inflammatory and indecent expressions." This representation was signed by Pitt, Grenville, Fane, and Dupplin, July 12, 1748. Then, in a letter to Mathew, conveying to him this specimen of their judicial temper towards Jessup, and their judicious moderation towards himself, they added another curiosity; they berated Mathew soundly for his arbitrariness and irregularities in the manner of suspending. A few years later, the name of Jessup was restored to the council under Governor Thomas. But it is clear from the whole episode, that in no quarter was the slightest prejudice done to the spirit of anti-Popery. That was the only rule observed.<sup>1</sup>

§ 132. When the incubus of Mathew's presence was removed for a while, and General Gilbert Fleming supplied his place as governor, a reaction set in among the good people of that Protestant preserve, even Nevis itself. Such was "the great disgust" entertained by "some of the principal people in the island" at the severity of the sanguinary law which had operated now during fifty years, that the council by an equally-balanced number of votes, for and against, managed to pass a repeal of the law to the lower house, which approved; and the repeal became law. There was irregularity in the proceedings; and "the heats on this occasion," wrote Fleming, "were carry'd so high without doors, that eleven swords were drawn in the dispute at once."

Reaction  
against the  
law of 1701.  
Repeal, 1751.

<sup>1</sup> For the sources of this § 131, see *infra*, p. 208, note 1.

The assembly expired. Immediately a certain Mr. Smith careered through the island as a patriot, and swept in a new assembly. "Not a single man, who expressed any regard for the said act of repeal, was elected."

Meanwhile, the Lords of Trade, J. Pitt, Halifax, Grenville, Fane, and Dupplin, wrote to Fleming (May 21, 1751) on the information which he had given; "concerning an act," they said, "passed at Nevis to prevent Papists settling there; which [*repeal*] upon the face of it appears to be a measure inconsistent with the security of the island, and of a very extraordinary nature and tendency." That is to say, the repeal was extraordinary inside and outside; by its nature, leaving out sanguinary provisions, and by its tendency, letting Papists into his Majesty's colony. Still they suspended their judgment. They took counsel. Finally, they did approve of the repealing act (January 15, 1752), and merely required Fleming to correct some irregularities in the manner of presenting the law for his Majesty's approval. This called out all the forces of intolerance, and an "humble and unanimous petition of the Assembly of Nevis" against the repeal. "Happy had it been," they said in favour of the original act with all its capital penalties, "if the said law had been general, as was intended." They urged "that, as the world is wide enough, and the Papists can receive no great detriment by being refus'd a residence in this very small corner of the world," their lordships would be pleased to interpose with his Majesty, "and lessen the afflictions of your petitioners," by stopping the further progress of the repealing act. They signed their names to the document, which might be thought worthy of reproduction, if we could bring ourselves to think them worthy of the space. But on the persons of the signers Fleming was just then coming down like a soldier. He swept the whole assembly away; he displaced all their henchmen; he found others to put in office; and he declared that "no man should enjoy any favour of the Crown that is to pass thro' my hands, or have any countenance in any respect, who continued bad subjects and are immoral." He described the assembly as "composed of persons of the meanest abilities, most desperate fortunes, and most immoral manners by farr, known upon that island." At once all the gangs slunk away in silence; "temper and steadinesse," he wrote, "have all of a sudden exhibited a new scene."

The next governor, George Thomas, described Mr. George Frye, president of the council in Montserrat, as more like "a Turkish

Bashaw, than a President of one of his Majesties islands," being apparently a man of "disordered brain." Thomas suspended the "Bashaw" of Montserrat; and, in the enjoyment of perfect local tranquillity, had the satisfaction of receiving in 1754 the king's sanction to the act which repealed the old sanguinary law of 1701. His predecessor, Mathew, after an absence in England, arrived in Antigua only to die, August 14, 1753.

If the other zealots did not with equal grace vacate the Protestant reserve of Nevis, whereof Mathew had written, it were better the island were totally vacated than be filled with such "dangerous tennants" as Papists, we must still do them the justice of acknowledging that one argument which they used against the admission of Papists was partly right; and that another argument employed in the contrary sense by Sir Dudley Ryder, attorney-general, was partly wrong. They had reasoned that the repeal of the sanguinary law was "contrary in great measure, as your petitioners conceive, to his Majesty's sixty-second instruction" (to Governor Mathew); which we take to be the same article as appears under the number 67 in the Instructions to Governor Thomas (April 18, 1753), authorizing "liberty of conscience to all persons (except Papists)." Here they were technically right. On the other hand, Sir Dudley Ryder had reported adversely to their pretensions, using this premise among other considerations: "I cannot find any law in any of his Majesty's plantations in America against Papists that has the least resemblance to that [*in Nevis*] of 1701." If he had considered the Salem law, Massachusetts, 1647, or the New England law, and again the New York one, both passed under Bellomont in 1700, he would have found some resemblance to the sanguinary law of Nevis, as far as Jesuits and seminary priests were concerned.<sup>1</sup>

The right  
and wrong  
in repeal and  
appeal.

In this chapter we have served up a score of dishes, all different according to the temper and conditions of the colonies which have sent in their contributions. But, like that banquet once upon a time

<sup>1</sup> P. R. O., *B.T.*, *Leeward Islands*, original papers, 28, Y, 29, Z; April 10, 1744–August 12, 1749: papers *re* Jessup; despatches of W. Mathew; his Majesty's lawyers, Privy Council, and Board of Trade, on the Antigua act.—*Ibid.*, *B.T.*, *Entry-Book*, M, No. 56; July 12, 1748–December 18, 1753; the same, *re* Jessup, the Antigua act; Gilbert Fleming, and the same English authorities, on the repeal of the old Nevis act; George Thomas, 1753, and his Instructions; Jessup, etc.—*Ibid.*, *B.T.*, Aa, No. 80, January 25, 1751–December 28, 1752: Fleming, and the same authorities, on the repeal of the old Nevis act, the counter-agitation, etc.—*Ibid.*, *B.T.*, Bb, 31, No. 10, Thomas, January 31, 1754, to Bd. Tr., on G. Frye. Cf. *infra*, pp. 576, 576.

given to the Roman ambassadors by the King of Colchis, who in the depth of winter spread out all kinds of venison much to the astonishment of his guests, until he told them laughing that it was all the one domestic article, innocent pork, done up in a score of ways; so has this chapter been pleasantly capricious. It has served up one article, anti-Popery, under different dressings. If any condiment is still wanting, it may be that of the literary spice, or rhetorical device, used to make things savoury. It was the striking idea that all this anti-Papist war was a persecution—the persecution of Protestants by Papists! Governor Belcher of New Jersey honoured the beginnings of Princeton College by crying out against “those two monstrous furies, ‘Popery and Slavery’” (September 24, 1755). Samuel Davies declaimed to “Virginians, Britons, Christians, Protestants,” that they should “strike home,” and preserve their persons “from all the infernal horrors of Popery,” their estates “from falling a prey to priests, friars, and hungry Gallic slaves,” their pure religion “from superstition, idolatry, and tyranny” (1756). Governor De Lancey brought the terror home to the New York assembly by pointing to the Roman Catholic princes, who were about “to overwhelm the liberties of Europe, and possibly to extirpate the Protestant religion” (March 15, 1758). Governor Dobbs of North Carolina expatiated before the assembly on “hellish Jesuitical missionaries,” and “enthusiastic fury” against Protestants, “whom they call hereticks, making it meritorious in them to massacre and destroy them”—“a scheme hatched in hell, and supported by the Court of Rome” (December 12, 1754); and to Secretary Pitt this Governor of North Carolina sent over, in 1759, an anti-Popish hymn, twelve stanzas long, all of his own “composure,” which was to be sung that year on the day of thanksgiving, to the tune of the hundredth psalm.<sup>2</sup> Mildly and meekly, in words which we shall have occasion to cite later,<sup>3</sup> Sir James Jay begged for an alms and pleaded for protection from the King of Great Britain, in behalf of King’s, now Columbia, College in New York, on the ground that the Papists were abounding in learning, while the King’s numerous subjects in America were abounding in ignorance, and

<sup>2</sup> (North Carolina), *Colonial Records*, v. p. xxix., preface by Saunders, who says: “The hymn was very patriotic and very Protestant, and made the British lion roar very loudly, while the poor ‘Papal Beast’ hid away in great terror, and was in a bad way generally. The hymn, according to the governor, had the further merit of being ‘in the line of the prophecies up to date.’”

<sup>3</sup> *Infra*, p. 817.

were only "too liable to their [*the Papists*'] corruptions" (London, July 17, 1764).<sup>4</sup>

We now leave this close banqueting-hall with its homely venison to take with the Jesuit missionaries the fresh air of the forests.

<sup>4</sup> *Researches*, xi. 47; xii. 144; xiv. 190: Belcher, Davies, Dobbs.—Brodhead, vii. 644: J. Jay.—P. R. O., *From Governors in America*, No. 71: De Lancey.—*Of. Ibid.*, Dobbs' speech to the Assembly, N.C., April 28, 1758; a printed quarto.



## CHAPTER XI

### CANADA : MISSIONARY BASE OF OPERATIONS

§ 133. National influences and the aborigines. § 134. The Spanish penetration : Florida to Virginia : 1560-1570. § 135. From Mexico to California : 1617-1701. § 136. The Spanish missionary forces in the eighteenth century. § 137. New France in the eighteenth century. § 138. Population in the French and English colonies. § 139. Conflicting policy. Causes and Results. § 140. Foundation of the Jesuit mission : 1611-1632. § 141. Endowment of the College of Quebec : 1626, 1637. § 142. Foundations for the Indian missions : 1635-1676. § 143. Quebec College invested with missionary titles : 1676. § 144. Specific foundations : 1637-1651. Royal diplomas : 1651. § 145. Huronia. Foundations : 1646-1653. Royal diploma : 1678.

**Manuscript Sources :** (Antwerp), Archives S.J., *Litterae Indicae*.—Archives S.J., *Anglia, Epistolae Generalium; Anglia, Historia*, vi.—Fulham Palace Archives, American papers—Lambeth Palace MSS., 1123.—(London), British Museum MSS., 33,029.—P. R. O., *American and West Indies; Board of Trade; Colonial Correspondence, Canada; Entry-Books*.—(Paris), *Archives des Colonies, Correspondance Générale*, vi.

**Published Sources :** Hughes, *Documents*, I. Part i. of this series, *History S.J.*—*American Archives*, 4th series, i.—Anstey, *Guide to the Laws*.—Bancroft, *History U.S.*—Brodhead, *Documents*, iii.-v., vi., ix., x.—Carrez, *Atlas Geographicus S.J.*—Delplace, *Synopsis Actorum S. Sedis in causa S.J.*, ii.—De Martinis, *Jus Pontificium de Propaganda Fide*, i.-iv.—Douglas, *Old France in the New World*.—Duflot de Mofras, *Exploration*, ii.—Field, T. W., *Indian Bibliography*.—Fine, *Jus Regulare S.J.*—Hughes, *Loyola*.—Huonder, *Deutsche Jesuitenmissionäre*.—Jones, tracts on Jesuit Estates.—Knox, *Extra-Official Papers*.—Munro, *Seigniorial System*.—Public Record Office, *Calendars, A. & W.I.*, i., ii., iv.—*Records*, v.—*Records and Studies*, iii., v.—*Researches*, xi., xxiv. (1907).—Rochemonteix, *xvii<sup>e</sup> siècle*, i.; *xviii<sup>e</sup>*, i., ii.—Shea, *History of the Catholic Church in U.S.*, i.—Smithsonian, *Ethnology*, bulletin 30, *Handbook of American Indians*.—Winsor, *History of America*, v.

PASSING beyond the borders of the English colonies which lay like a long strip on the Atlantic coast, and entering into the heart of that great continent behind which was practically unknown to the

English, we notice three points of departure, whence Jesuit missionaries advanced during the sixteenth and seventeenth centuries. These bases were Florida, Mexico, and Quebec. From Florida northwards, as also from Mexico towards the north and north-west, the advancing missionaries were Spanish. We do not pause at any length upon these fields of labour, since the colonial English scarcely came into contact with them.

In the far north, French Fathers began their evangelical excursions and settlements, starting from Quebec. They did not so much follow a line, as radiate in all directions. Of these French operations we confine the present chapter to delineating chiefly the base on the St. Lawrence. The kindness of benefactors provided an elaborate foundation for the missions; and not only put means at the service of the Fathers, but added large grants of land in the heart of the colony. The royal power, with its diplomas from Paris, augmented this private beneficence with valuable rights and franchises, affecting the whole continent behind.

The interests of the French and English Crowns were conflicting. The rivalry or open hostilities between the parties exerted a pressure on the future destinies, not only of political possessions, but of religious achievement. Hence we take occasion, at the commencement of the French regime in America, to notice certain political and economical conditions, in which the French and English colonies were cradled.

§ 133. In 1911, the Jesuits of Canada celebrated the tercentenary of the Canadian mission. It was on May 22, Whitsunday, 1611, that Fathers Peter Biard and Ennemond Massé landed at Port-Royal, a place known in later times as Annapolis-Royal. In less than two centuries the French Jesuit missionaries reached out and settled in far-off countries from the mouth of the Mississippi to its head-waters. Farther to the north, the Lake of the Woods at the border of Manitoba, and Fort Ste. Anne near Hudson's Bay, were the scenes of a violent death encountered by missionaries. Travelling on foot or in canoes, their sphere of evangelical activity was measured to the west and south by a radius, as the crow flies, of 1500 to 2000 miles from the port of Acadia, where Father Biard and his companion had landed.

The admiration universally excited by the work and progress of the Jesuit missionaries on the northern continent of America would make it a pleasure to review and follow those manifold movements

over lakes and through woods, and on the bosom of unknown rivers. The perils to life and limb were as varied and undefined as were the tribes of wild Indians whom the missionaries approached with such intrepidity. For the men themselves who were the actors in this drama of religious civilization there was no natural pleasure in it, nor was there a triumphal progress, as triumphs are usually celebrated. It was all an unremitting exercise of patience under affliction, of endurance under distress, of long-suffering and kindness in destitution and loneliness, under circumstances most repugnant to sensitive and cultured minds. For us the pleasure would be such as Lucretius pictures, when one who stands safe upon the shore contemplates ships tossed about upon the sea; or when looking from the casement of a fortress he is rapt in the excitement of a battle raging below. But the particulars of this invasion into an unexplored heathendom we have not the space to detail. And, in traversing ground well known, we should be neglecting other historical phases which are much less familiar, are no less material to the subject of the French missionaries on the northern continent, and are more relevant to the history of the English colonies.

We are far from implying that the salient feature on the North American continent was a strip of straggling colonies which lay on the Atlantic coast, and which have been called English. Whatever they were at the beginning, they were not English at the end, when they developed into a republic. They were just as much German, Dutch, Irish, Scotch; and descendants of the English themselves flew in the face of England. Nor would the prevalence of Scotch and Irish in the population warrant the application of the term "British"; for that appellation conveyed no such significance then as it does now. "Scotch agent, or other foreigner!" says a state paper for a date some ninety years after the Scotch and English Crowns had been united.<sup>1</sup> The Irish there is no need of defining—what that term meant to Englishmen, or what English meant to an Irishman. The civil and political institutions were no doubt English; but they matured amidst a new people into new forms. Hence, if English colonies are spoken of, it is only a manner of speaking which passes current. But no manner of speaking or thinking could give currency to the idea that those plantations were an important factor in the general civilization of the American continent. In the early

Meaning of  
the term  
"English  
colonies."

<sup>1</sup> P. R. O., *Cal.*, ix., § 2187; Randolph, December, 1695, to the Commissioners of Customs.

part of the eighteenth century they did not know, except from French maps, how the rivers Ohio and Mississippi ran, much less the lie of the Great Lakes, and of the country round Labrador—nearly a century behind the time when, as has been said, “the sign-manuals of the Jesuits were the earliest maps of the interior of the United States.”<sup>2</sup> Of Central America the English did know something. From Queen Elizabeth’s time onwards, we have a dismal series of accounts in West Indian state papers, and in the pages of H. H. Bancroft, regarding the operations of English buccaneers and freebooters, pillaging and massacring on the Spanish main—those “ravenous vermin,” as the council of Jamaica called them.<sup>3</sup>

Among the aboriginal nations, civilization was exclusively a trust in the hands of the French, Spanish, and Portuguese; and so well did they execute their trust that, by the action of a great hierarchy and under the protection of the civil authority, a great body of law regarded the conversion, civilization, and integrity of the native tribes in Central and South America; while in the north, beyond the English sphere of influence, the same process, having a more recent origin, was following the same lines of progress towards its completion. In Latin America, Indians and whites blended into new races, and prospered. The insulting contrast which history draws between what Spaniards and Portuguese did in civilizing the aborigines, and what English-speaking people failed to do, has been avenged on both parties, the civilizing and the civilized, by a literature written in English. For of those successful nations, which did not see any sanctity in a colour line nor stamp out all beyond, pages written in English have spoken as “Mongrel Republics”; while the aborigines, who showed everywhere that they could be elevated into a civilization, religious, educational, economical, and political, have long been despatched, in English parlance, with the dogmatic declaration: “No good Indian except a dead Indian.” Or, if they were allowed still to live, the policy which was followed has been called the “Great White Way,” whereby the Indians kept all the rights, but the whites got all the lands.<sup>4</sup>

Civilization  
in the Latin  
American  
territories.

<sup>2</sup> H. G. Cutler, *Magazine Amer. Hist.*, April, 1890 (*Researches*, vii. 94).

<sup>3</sup> *History*, I. 328.

<sup>4</sup> A book published in 1912 recommends itself to the public by vindicating the system of extirpation in this wise, that, “with nonchalant disregard of the legal restraints ordered by the Mexican Government, the American invaders, following race instinct and the individualistic creed of the frontier, built flourishing communities on the basis of *laissez-faire*, popular sovereignty, and unrestricted opportunity”; and so “in Texas, in New Mexico, in California, the appearance of

§ 134. Long before our history begins, the missionary activities of the Franciscan, Dominican, and other religious Orders had carried the light of Christianity and civilization over a large portion of the new world; and Franciscan documents treat of about twenty-eight establishments in Florida, reaching northwards as far as Savannah. The papers belong to 1560 or 1570, some forty years before the colony of Virginia was founded in 1606.<sup>1</sup> Again, before that same date (1606) of the first great English colonial foundation, we have the records of twenty-one missionaries, Franciscan, Dominican, and

**The roll of missionary martyrs.** Jesuit, who laid down their lives as martyrs for the faith, within the actual borders of the United States. There were eleven Franciscans, eight Jesuits, and two Dominicans. The message of peace which they sealed with their blood had been carried into what are now the States of Florida, Virginia, New Mexico, and Colorado. Before the Declaration of American Independence one hundred and seventy years later, this martyrology of priests and brothers who sacrificed their lives within the territory of the present United States contained the record of eighty-four; 62 being Franciscans, 17 Jesuits, 2 Dominicans, 2 secular priests, and 1 Sulpician. The districts which witnessed this sacrifice of life in the Christian ministry were, besides those just mentioned, Arizona, Texas, Mississippi, Illinois, Wisconsin, Michigan, Maine, New York, and California. Later years added six more Franciscans in California and Texas.<sup>2</sup> Spanish names predominate throughout; for these missionaries penetrated chiefly from the great Spanish colonies towards the north.

The prestige and power of Spain at the beginning of the seventeenth century made Father Parsons, in 1605, view the question of English Catholic colonization in Norimbege from the side of Spanish

adventurers from the United States meant the advent of a new regime." The Christianity and civilization imparted by the missionaries are rated under the head of "missions that accumulated wealth out of the unpaid labours of neophytes" (Professor Katharine Coman, *Economic Beginnings of the Far West*).—A pretty exact counterpart of such economical civilization was presented to the public at the same time by W. E. Hardenburg's work, *The Putumayo: the Devil's Paradise*, edited by C. R. Enock, F.R.G.S., with extracts from Sir Roger Casement's Report.—President Taft about the same time (Feb. 1913) communicated to Congress a report from Mr. J. S. Fuller, U.S. Consul at Iquitos, who expressed it as his opinion that, after all, the alternative for the aborigines lay between the white rubber-fiends and the white freebooters or slave-raiders; and that, in the ancient deep-rooted attitude of the whites towards the Indians, there lay a formidable obstacle to any solution of the problem. Possibly the track of such economic civilization is sufficiently traced by the names which it has blazoned over the earth—Devil's Gap, Devil's Gorge, Devil's Gut, and the like—as the Anglo-Saxon counterpart of Los Angeles, Sacramento, San Francisco, and the like.

<sup>1</sup> *Researches*, xxvi. (1909), 280.

<sup>2</sup> *Ibid.*, xxiv. (1907), 75, 76, "*Martyrologium Americanum*."

exclusiveness; which meant "that noe other European natione have footinge in that continent beside them selves." He cited the fact of their having "put themselves to such labour and charges to extinguishe the Frenchmen that were in Nova Francia."<sup>3</sup> When the Spanish Court took cognizance of English doings in the Bermudas and Virginia, the very existence of these new English colonies seemed to be placed thereby in jeopardy; and it was only because the temerity of such enterprises, as well as the actual misery of the colonists in Virginia, were likely to end in a natural death for all concerned, that the Spanish power took no steps to remove the interlopers.<sup>4</sup> Spain considered the western world as either a trust in its own hands, or as enclosed within its sphere of influence. However this trust was executed in other respects, there was no want of fidelity in the strenuous diligence of its religious forces.

Influence of  
Spain in the  
New World.

When the Society of Jesus, most recent of the Orders, had entered on the ground, its progress was such as rather to overshadow in the modern mind the work done by other powers. Field, editor of *Indian Bibliography*, has spoken of "the gigantic operations of this Society," reaching from the Great Lakes of Canada through almost every tribe of savages to Patagonia; its wonderful success in Christianizing whole nations, in forming missionary establishments which became hierarchies, in combining these until they became, says he, kingdoms with priests for monarchs. R. L. Stevenson, after contemplating in California what had once been there and what had taken its place, spoke in no complimentary terms of "greedy land-thieves and sacrilegious pistol-shots," and of "millionaire vulgarians"; and he exclaimed: "So ugly a thing may our Anglo-Saxon Protestantism appear beside the doings of the Society of Jesus!"<sup>5</sup>

<sup>3</sup> Documents, I. No. 1.—Parsons was referring, no doubt, to Florida, Georgia, Carolina, and Virginia, as if included in "Nova Francia"; and to the military expeditions of Peter Menendez.—Cf. Shea, i. 133 *seq.*

<sup>4</sup> Cf. P. R. O., *Cal.*, iv. §§ 52-53, *passim*; 1611-1613.

<sup>5</sup> Field, T. W., p. 204.—R. L. Stevenson, *Across the Plains*, p. 106.—The Franciscans had operated in Upper California.

Speaking of California State southwards, a western editor of Los Angeles has spoken with even greater emphasis. Charles F. Lummis affirms of the Mission Indians with the authority of one who has studied the matter for twenty years, that "Spain had converted about 100,000 of these Indians from savagery to Christianity; had built twenty-one costly and beautiful temples for them to worship in—and the best of those Indian churches could not be replaced to-day for \$100,000—had given them schools, and industrial schools, in far greater number than they have to-day after fifty-four years of American rule; had taught them a religion and a language they have not yet forgotten, and to which ninety-nine per cent. of them are still devoted, to the exclusion of anything we have been at pains to teach them; had

In 1565, just a quarter of a century after the foundation of their Order, Spanish Jesuits landed in the territory of what is now the United States. Commander Menendez was at that time in control of the southern Atlantic coast. The missionaries were Fathers Martinez and Rogel, with Brother Francis Villareal. They touched at a point near the mouth of St. John's River in Florida; and on an island, now called Cumberland, Father Martinez was put to death by savages. Father Rogel, betaking himself to Havana, employed some time in studying the language of those southern Indians; and two years later, in 1567, he was again in the Florida peninsula, at Charlotte Harbour, on the western shore. In the following year, 1568, he was at St. Helena Island, Port Royal Sound, South Carolina. Hereupon, Father John B. Segura, invested by the General St. Francis Borgia with the authority of Vice-Provincial of Florida, arrived with a party in 1569. One of them, Father Antonio Sedeño, settled with a Brother at Guala, now Amelia Island, on the boundary of Georgia and Florida; and Baez, the Brother, prepared a grammar of the Indian language, as well as a catechism. Father Segura himself in 1570, with Father De Quiros and three Brothers, started out northwards from St. Helena, and penetrated into Virginia between the Rappahannock and the Potomac. Here, within a short distance of where the city of Washington now lies, and possibly in view of the Georgetown heights, the whole party with some young Indian catechists were massacred in February, 1571.<sup>6</sup>

taught them to build good houses, to be good carpenters, masons, plasterers, blacksmiths, soapmakers, tanners, shoemakers, cooks, brickmakers, spinners, weavers, saddlers, shepherds, cowboys, vineyardists, fruit-growers, millers, wagon-makers, and so on. In all the Spanish occupation of California I cannot discover that it ever once happened that an Indian was driven off his land; under our regime it has seldom happened that an Indian has escaped being so driven off—and, in many cases, time after time till now, the poor devils are elbowed off practically all the lands that even 'poor white trash' would [not] take for a gift. If there is in human history any more pitiful chapter of oppression and cowardly wrong than the record of the successive steps by which the Mission Indians, who once owned all Southern California, have been crowded into the waste spaces, a student of more than twenty years has failed to find it—and hopes never to find it. I say 'cowardly,' without reservation; because all the people who have made this unclean record for you and me to live under, would not, if all together in a body, dare evict one wide-awake American from lands he held by half the title these Indians had." (*Out West Magazine*, May, 1902.—*Researches*, xx. 88, 89.)

<sup>6</sup> We take these particulars from Father L. Carrez's researches, as in the map hereunto attached; also from J. M. Woods, S.J., *Rec. and Studies*, iii., "The Earliest Jesuit Missionary Explorers in Florida, Maryland, and Maine," pp. 352-358.—Shea, i. 141-150.—Cf. D. Bartoli, S.J., *Degli Uomini e de' Fatti della Compagnia di Gesù Memorie Istoriche*, iv. 114-182. The story of Father Pedro Martinez, his conversion, apostolate and martyrdom, is told by Bartoli. Among the biographical incidents of the university bravo, Pedro Martinez, this writer mentions that, though the young man did become Doctor of Philosophy at Valencia, he was much more

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§ 135. Spanish Florida on the east joined New Spain on the west at the Mississippi, until the southern spur of French Louisiana reached to the mouth of the great river at New Orleans. New Spain threw out its advanced posts from Mexico through Arizona, New Mexico, Texas, besides extending upwards along the Pacific coast from the peninsula of Lower California towards what is now the State of California. In 1617 Father Martin Spillebeen, commonly called Martin of Bruges, wrote to his Jesuit brethren in the Netherlands, describing the vast horizon of the missions to the north. He said that they had descried "the last frontiers of America, on the shore of the spacious sea which is named Aquianum. By common report the land extends 1500 leagues; and thence to Japan 140 leagues, and not more." He sketched the savagery and ignorance of the aborigines, and added: "Our Fathers have penetrated as far as Cinaloa, and they have found there a nation which they call Jachimes; no one had yet reached these people. Now they are so numerous that our Fathers had never believed the human race could multiply itself so much."<sup>1</sup> Sinaloa is on the longitude where the Gulf of Lower California joins the Pacific. Within a hundred years the frontier of the advancing missions was three geographical degrees to the north-west in Sonora, near the head of the same Gulf. From Nuestra Señora del Popolo in Sonora, Father Adam Gilg wrote an important letter to headquarters in Rome, under date of January 21, 1701. This Father was a Bohemian who, at the age of thirty-three, had gone to Mexico, and laboured with zeal among the Sere and Tepoka Indians; he edited a grammar of the Pima and Eudeve languages, and sent over a map of the mission territory.<sup>2</sup> His communication in 1701 was drawn up in the name of the other missionary Fathers; and, being approved by the Visitor of the time, was despatched to Rome through the provincial procurator. Its object and treatment laid bare a whole situation of missionary movement and method.

The south-west Indian tribes.

known and celebrated for managing the sword in questions than the tongue in disputations; and it was commonly said that there was not a quarrel, a challenge, or a duel, in which Pedro Martinez was not either principal, or second, or promoter. Of Christian life and piety he made no profession, and others had nothing to accuse him. He was particularly smart of tongue at the expense of the Jesuits; and finally one day he took four other sparks with him to visit the Jesuit college, and gather material for more wit. He went to his doom; for he remained in the college, made the spiritual exercises, and became a Jesuit; verifying once more, observes Bartoli, what St. Ignatius had been wont to say, "that they are good for the Order whom the world had thought good for itself."

<sup>1</sup> Antwerp, Arch. S.J.; MS. 8vo vol., *Litterae Indicae*; Martin de Bruges: "*A devens*, 19 Mai, 1617."

<sup>2</sup> Huonder, *Jesuitenmissiondre*, p. 108.

The purpose was to obtain a permanent Pontifical brief of faculties or privileges for the use of the missionaries, who were perpetually forming new reductions among new nations of infidels. Actually there was at their service only the special brief granted to the Society of Jesus by Alexander VIII. (March 30, 1690), and good for twenty years. **Faculties for Indian reductions.** Gilg argues his case against the precariousness of renewing such a special brief, and in favour of a somewhat greater amplitude than it allows. His grounds are that on the frontiers of Christianity the circumstances are identical with those which obtained at the first discovery of the East and the West Indies.<sup>3</sup> Originally, the most ample and extraordinary faculties or privileges had been granted to all missionaries of one Order or another; for the necessity was extreme, and every facility had to be granted. But, a large part of America having been brought into a new condition under a regular hierarchy, ecclesiastical prelates had demanded that such faculties should no longer be granted to the regulars as properly belonged to themselves; and, besides, the neophytes of the native populations were no longer the rude uncultivated savages of former times, but well-informed Christian peoples. "Thus it has come to pass," says Gilg, "that privileges so necessary have now been withdrawn to the prejudice of new reductions," which with their "neophytes" are, nevertheless, of precisely the same kind as those originally contemplated. "In point of fact, new and new nations are being discovered and Christianized; nations of as blank a character and brutal a mind as were the first catechumens of America."<sup>4</sup> Hence he contends that there should be in force a Pontifical brief, permanent under one respect, temporary under another. It should be permanent for those missionaries only to enjoy, who are labouring at new reductions; it should be temporary for the neophytes themselves, to hold good for a definite number of years from the date of baptism, after which time the converts would not be reckoned as neophytes in the sense of the brief. Gilg asks not for all and each of the privileges once granted to regular missionaries, but just for a few, and those within proper limits, so as not to relax Christian discipline; nor does he ask for faculties which are superfluous, as not being of daily use. But he does beg that they be "perpetual; because, all America mayhap being converted, if the preaching of

<sup>3</sup> Cf. *History*, I. 267-269.

<sup>4</sup> "*Atqui de facto novae et novae nationes deteguntur et reducuntur, tam rasae tabulae et brutales animi, quam fuerint primi Americae catechumeni.*"

the Gospel shall have advanced to Japan or another island, the privilege will still be applicable and necessary for other new conversions, as it was of old, and as it now is for the conversion of the Seri, the Pimas, the Californians, the Opas, etc., in the evangelization of whom we are actually engaged."<sup>5</sup> With a final appeal for urgency that the provincial procurator may be enabled to bring back a favourable answer, Gilg concludes his letter to his Roman correspondent, Father James Willy, recently Visitor and Vice-Provincial of Bohemia.<sup>6</sup>

§ 136. At this date, as Father Gilg intimated, the pacific invasion of Upper California was attempted, and thenceforward it was continued. In 1701 and 1703 Father Kühn or Kino made his explorations northwards on the river Colorado. In 1719 Father Guillien, and again in 1721 Father Ugarte penetrated by land into Northern California. In 1746 Father Kongsag, following the river Colorado, designed a plan of missions

Exploration  
and civiliza-  
tion.

<sup>5</sup> "*Quia, conversa licet tota America, si prædicatio Evangelii in Japoniam, vel aliam insulam processerit, adhuc verificabitur et necessarium erit privilegium pro illis novis conversionibus, sicut olim erat et nunc est pro conversione Serorum, Pimanum, Californiorum, Oparum, etc.; quibus reducendis actualiter incumbimus.*"—From this use of the Latin word *reducere*, in the sense of evangelizing, it may be noticed how the term "reduction" came into vogue for a community of natives evangelized. See *infra*, p. 385.

<sup>6</sup> *Anglia, Hist.*, vi. 549, 550, Adamus Gilg, "*Datum in Pago N<sup>o</sup> S<sup>o</sup> del Populo dicto in Sonora, Amer: Sept: A: 1701, Januarii 21,*" to Willy, Rome; probably an office copy, being on English paper, in an English hand, and deposited among the documents concerning the English Province. The letter is supplementary, to obtain Willy's assistance on behalf of the formal petition sent through the procurator. We take it that the point of departure with these Sonora missionaries was a desire, indeed, for some enlargement of missionary faculties from the Holy See, but also a degree of uncertainty whether the twenty years' renewals of the brief could be counted upon in the future.

It is sufficient for present purposes to note that Urban VIII. by special briefs, September 15 and 17, 1629, had conveyed an ample series of indulgences and faculties to the Society, on behalf of both Indies and the islands of the ocean, renewing hereby for another twenty years the similar grants of Pope Paul V. (De Martinis, i. 111–115). Then followed renewals for twenty years by Innocent X., March 1, 1649; Clement IX., January 8, 1669; Alexander VIII., March 30, 1690, of whose grant Gilg speaks in the text; Clement XI., September 22, 1708; Benedict XIV., July 17, 1748; Clement XIII., September 10, 1766. A similar series of ample faculties for matrimonial dispensations with Indian neophytes, from Pius IV., July 15, 1563, to Clement XI., April 2, 1701, the year in which Gilg wrote, was continued by Clement XII., September 9, 1734, and by Benedict XIV., May 20, 1752. To these were added by Benedict XIV. the faculty of administering the Sacrament of Confirmation in a succession of acts, 1751–1758 (see *infra*, p. 568, note 4). The renewals just mentioned evidently reached to the time of the Suppression; and, if a brief containing a perpetual grant was not accorded, the object was attained in this other way. Amid a great number of Papal acts equipping the missionaries of the Society with various faculties, we may note that of Clement XIV., July 12, 1769, only four years before the Suppression, this Pontiff being the very one who suppressed the Order. The document begins with words of praise for "the religious of the Society of Jesus," and especially for the missionaries whom the General Lawrence Ricci, "in this very year, and in following years, intends to commission for divers provinces of the Christian world" (*Ibid.*, iv. 159). See De Martinis, *passim*, under dates; and Delplace.

to render practicable the overland route from Sonora to the Upper Californian coast. An annual subsidy of \$13,000 was granted by the Spanish King Philip V. to the Jesuit missions in those parts. But, after the partial suppression of the Order in Spain, the vast network of missionary stations, as well as the "Pious Fund of California," was ceded by the Jesuits to the Franciscans, whose labours crowned with many martyrdoms had been conspicuous on the frontier of New Spain, from Arizona to Texas.<sup>1</sup>

It would not be easy for us to describe what, indeed, does not come within the scope of these pages, the great march of missionary civilization which proceeded from the heart of Mexico to Upper California. The Jesuit residences, which were central quarters for outlying stations and missionary excursions, amounted in Lower California to nineteen; in Sonora, to forty-three; in Chihuahua, to thirty-five; in Sinaloa, to seventeen; besides other networks more to the south, in Tepic and Durango. The organization behind all this, serving as the great base of operations from Yucatan inclusively, and constituting the main body of the Jesuit Mexican Province, comprised in the course of its existence twenty-eight colleges; fourteen seminaries, one of them being for Indians; and nineteen residences. Cuba, which belonged to the same Province, had a college at Havana, and a residence at Puerto Principe.<sup>2</sup>

If some and many names of conspicuous missionaries in these Spanish dominions are not Spanish, but Bohemian, German, Belgian, etc., that circumstance illustrates two points.

Jesuit re-  
sources in  
men.

One is that men in Europe, of whatever country, were prompt in offering themselves to the Generals for service in the far-off missions; and the Provinces, however straitened for want of men, were liberal in parting with members on the principle so often inculcated: "Give, and it shall be given to you." The second point is that, with such a republic of colleges, not to mention the pulpits in the main body of the Mexican Province, we may well conceive the need that existed of retaining for Spanish populations those Fathers who were Spaniards; and so the others would come in for a fair share of the missions.

The wonder is, how Spain was so prolific in Jesuit vocations as to supply not only four flourishing Provinces in the Iberian peninsula, but seven other Provinces in the Spanish moiety of the globe: Mexico, New Granada, Quito, Peru, Chili, Paraguay, and those

<sup>1</sup> Cf. Shea, i. 479-525.

<sup>2</sup> Carrez, Map 29.

distant Philippines to which the route lay through New Spain. Undoubtedly this showed vitality in the new Spanish countries themselves, which contributed vocations for the maintenance of religious and apostolic life. Still the burden of providing men rested in great part on European shoulders, under the high direction of the Generals. Since the Portuguese moiety of the world did not touch our district in any part, we say nothing of it here; except that one Province of Portugal in the Iberian peninsula gave origin to six others, which it largely supplied with men; those of Brazil, with the Vice-Province of Maranhão; Goa, Malabar and Japan, with a Vice-Province in China.<sup>3</sup> Of France we shall have occasion to speak subsequently. We merely observe that, as appears from a letter which we have given in our *Documents*, the Father-General Retz, having such a world of frontiers to maintain and advance, might well express surprise, in 1740, at the request of an English Provincial, who thought of soliciting missionary aid from the continent of Europe for the Germans in the English colony of Pennsylvania. He wrote: "It is unusual that members should be sent from other Provinces of Europe to the American missions of your Province; and in the circumstances of the present times, when great supplies of men are called for on behalf of the five Indian Provinces belonging the Spanish Crown, it is difficult for me to honour your request."<sup>4</sup>

On leaving this south-western fringe of the American Union we may glance at a vanished civilization, as a French envoy of Marshal Soult surveyed it in its relics (1840-1842). M. DufLOT de Mofras gave his impressions of the Indian tribes in California: "The magnificent results," he said, "obtained by the Jesuits in New France, and by the Spanish [*Franciscan*] missionaries, who had managed to establish more than thirty thousand neophytes in their missions of Upper California alone, prove among other things that it is easy to attract Indians by presents, to make them understand the advantages of a life moderately laborious, and to attach them by benevolence. In the most remote deserts of America, travellers are often surprised to meet with

Vision of a  
vanished  
civilization.

<sup>3</sup> See *History*, I. 317, for a list of membership in the American Provinces, Spanish and Portuguese. The Propaganda document, from which that list is taken, details minutely the number of Jesuit priests in each professed house, college, novitiate, seminary, residence, and mission. The largest establishments are the colleges in Mexico city and Lima, Peru, each with 43 priests. The college in Manila ranks high with 26. No note is made of scholastics, whether as professors, students, or novices.—Ecclesiastically, the Philippines ranked as in the West Indies.

<sup>4</sup> *Documents*, I. No. 7, X<sup>2</sup>, July 16, 1740.—Cf. *infra*, p. 501.

crosses, constructed of heavy timber, and erected by the natives. Ever since the remotest times of the conquest, these natives cherish a sentiment of veneration for the missionaries, for these men who, contrariwise to all other whites, have never done them anything but good, and have continually protected them. Thus the nation which did not aim at destroying the Indians, that is, employing those means which the United States are using against the Indians of Florida [*the Seminoles*], ought, before all else, to send into their midst missionaries; who could continue the work of civilization so admirably begun by the Jesuits and the Spanish Franciscans. . . . The wooden crosses of some poor religious have conquered more provinces for Spain and for France than the swords of their best captains."<sup>5</sup> What did thus impress the imagination of the French envoy more than half a century ago, amid the relics of an Indian civilization advanced in agriculture, architecture, and mechanical arts, has become in our times a matter with which the American historical mind is not unfamiliar.<sup>6</sup>

<sup>5</sup> Duffot de Mofras, ii. 384.—Cf. Smithsonian, *Ethnology*, bulletin 30, i. 895, J. Mooney, "Missions."

<sup>6</sup> Compare the conference on "The Contribution of the Romance Nations [*Latin-American*] to the History of America," at the 25th annual meeting of the American Historical Association (*Annual Report*, 1909, pp. 221-227).

The German-speaking contingent among the Jesuit missionaries, who worked on the south-western borders of the United States, has been catalogued in a convenient form by A. Huonder, S.J., in his monograph: *Die deutsche Jesuitenmissionäre des 17. und 18. Jahrhunderts*. For the Province of Mexico, he catalogues some 97 names, with dates, bibliography of writings, and other particulars; among which he notes that, in 1767, the Jesuit missions of Mexico counted 122,000 Christian Indians. In the matter of Indian linguistics, we mention Father Benno Duoray, *Specimens of the Californian Language*; Adam Gilg, *Grammar of the Pima and Eudeve Idioms*, besides maps: John Gummersbach, a series of ascetical works in the Mexican language, the writer himself being director of the Indians in the Seminary of San Gregorio, city of Mexico; Jacob Sedlmayr (de Soto Mayor), Spanish-Pima dictionary, besides maps and reports on the territory of the River Colorado; Matthias Steffl, *Tarahumara dictionary*. Father Inama von Sternegg published works on natural science. Father Eusebius Kühn (Kino), cosmographer royal and astronomer, produced maps and reports of his explorations, which extended over some 20,000 miles, in the regions of the Rio Grande and the Colorado; as did also Ferdinand Konsag for the Colorado district. The qualifications of Father Karl Neumayr were described by Olavigero as those of an antiquary, architect, mason, smith, carpenter and physician. Brother John Steinefer was a surgeon and apothecary, whose handbook on *materia medica* has been often published in Mexico, Amsterdam and Madrid. Father Jacob Baegert's Relation on the Californian peninsula was published in English by the Smithsonian Institution, 1863, 1864. (Huonder, "Mexico," pp. 105-117).

Similar versatility appears in the subsequent records of Huonder, which catalogue the German-speaking missionaries in the other Spanish Provinces of America, Peru, Quito, Chili, Paraguay, New Granada and Antilles (pp. 117-154); the largest German contingent of over 120 being apparently in Paraguay. The Portuguese Vice-Province of Maranhão contained Indian missions, partly manned by German Fathers (pp. 155-162). The English-American colonies received the aid of eleven: Fathers Detrich (Diderich, Rich), Frambach, Geissler, Gresselt, Leonard, Pellents, Schneider, Sittensperger (Manners), Steynmeyer (Farmer), Wappeler (pp. 163-165); and J. B. de Ritter, a German of the Belgian Province. Asia, or the East Indies,

§ 137. Between Florida and Pimeria, geographically the eastern and western wings of the Spanish North American territory, a French Jesuit, Father Marquette, in company with M. Jolliet, came down from the north, when Spanish missionary enterprise was midway in its course. He followed the Mississippi as far as the Arkansas River, in the year 1673. Formal possession of Louisiana was then taken in the name of France by De la Salle in 1682, and by the naval commander D'Iberville in 1699. An English state paper notes this latter transaction, and adds a mark to emphasize its significance: "Iberville understood at the same time that other English from Carolina were among the Chicasas," which made him take formal possession a second time, as De la Salle had done before.<sup>1</sup> The Chickasaw Indians lay between the Atlantic coast and the Mississippi, westward from South Carolina. So now we pass over to the territory of French Jesuit enterprise which, having Quebec for its centre, reached about 500 miles to the east and north, 1500 to the west, and 2000 southwards to the Gulf of Mexico.

Not to leave a cloud of obscurity over the background of these movements, we trace a few lines of the French colony itself; and then of the Jesuit basis at Quebec, to which the network of missions was attached.

New France was always a sparse colony, even though the French Government sent over at times men and means. One reason, no doubt, why it remained sparse, and very correct, was because it was never otherwise than under the tutelage of government. It was a colony of French Catholics, alive in faith, pure in their lives, rich in the qualities of temperance, vigour, fearlessness, and endurance. Of apostolic souls, whether they were priests on the missions or nuns in the home life

The north-east. Christian character of Quebec.

was scarcely less favoured by this missionary zeal than the West Indies (pp. 166-204). Large as these numbers of German missionaries seem to be, it is to be understood that they were only a contingent. Thus the Province of Mexico alone counted, in 1619, 340 members; in 1710, 508; in 1750, 572, of whom 380 were priests, with forty-five establishments (p. 105).

Of the country just sketched in our text a very ample description, written by a Jesuit missionary after 1780, and entitled "*Rudo Ensayo*," etc., was published for private use in 1863, by Mr. Buckingham Smith, St. Augustine, Florida; and a complete translation has been given in the *Records*, v. 110-264: "A Rough Essay, or rather an Attempt at a Geographical Description of the Province of Sonora, its Boundaries and Extent," etc. Besides geographical, ethnological, and other materials, it describes the organization of the Jesuit missions in those parts.

Cf. *Woodstock Letters*, xxix. 471-490, "German Jesuit Missionaries in the 17th and 18th centuries."—Shea, i., *passim*.—Burns, pp. 122-182.

<sup>1</sup> P. R. O., 67, W. Shirley, Boston, May 1, 1754, to Holderness; Appendix, 8 fol. pp., from Charlevoix's *History of New France*. The passage quoted is emphasized (in London?) by a hand pointing from the margin.



of self-devotion, a noble race adorned Canada with the records of heroism. Of adventurous young bloods quite an extensive array distinguished themselves, and amazed the English, by extraordinary boldness and bravery in penetrating the forests of the continent. In the wake of these there were found French colonists settled from the St. Lawrence to the mouth of the Mississippi; and by the law of nations they became possessors, in the face of other Europeans. If the young hunters themselves, who scoured the country, suffered much in point of morality, and fell far below the standard of a devout Catholic community, still such was the ascendancy of filial and parental virtues that, as an English observer remarked for a much later date, the young bravos who did come back, talking "in the true style of bandittis," were not long at home when, says the writer, "the example of their parish, and the curate [*curé* ?] who soon lays his hands on them, soon bring them to the proper tune." From this line of salvage for such young beaver-hunters as returned, the writer drew a conclusion which was altogether too wide, and not warranted by facts or by other authority. He said, "Thus it is far from being ascertained that population, agriculture, and morals suffer by the skin trade."<sup>2</sup> It is certain from concordant reports that population was less than it should be, though Canadian families were so large; agriculture as well as manufactures were most rudimentary, because of the dominant attraction to the life of the woods; and the morals of the young hunters, so many of whom never returned, sank to the level of their surroundings. Not a few were adopted into Indian tribes.

The manners of the colony were not intimately known outside of its own circle till after the cession of Canada to the English; and the estimates formed then are particularly valuable, as throwing into relief the ancient qualities which survived in the new order of things. At this later date, French republicans were operating on the good people; William Knox, recently Under-Secretary of State, spoke sarcastically of "fine-spun theories for promoting the happiness of French Canadians by converting them into English republicans";<sup>3</sup> the Catholic Bishop Hubert spoke deprecatingly to Lord Dorchester of the effects produced by Anglo-American political manifestoes and the novel licence of gazettes.<sup>4</sup> Yet, through the film of deficiencies remarked

Manners of  
the Canadian  
colony.

<sup>2</sup> P. R. O., *Col. Corr., Canada, Miscell.*, 1790-1800, 57: "Remarks on Canada," 14 ff.; f. 8.

<sup>3</sup> Knox, ii., (6).

<sup>4</sup> P. R. O., *A. & W.I., Canada*, 524, No. 34; Hubert, May 20, 1790, to Dorchester.

or created by persons, many of whom were not congenial in spirit with the Canadians, nor capable of understanding them, we can discern an estimable sum of qualities which characterized the colonial inhabitants of Canada.

Thus, a writer whom we have just quoted said of them, after 1790: "The lower Canadians [*of Quebec*] are very much like their fathers. They are vain, frivolous, envious, jealous, bent on mischief-making, but doing good—good-tempered, lively, feeling, officious, disinterested, honest; they profess also in the highest degree the two first virtues of the social order, filial and paternal love"; and, by consequence, true patriotism. "The first element of public order, religion, is better professed in this country than ever I saw it in any Roman Catholic country—no superstition, principles pure and suited to the people's conception." He considered that "the Canadians are perhaps the most religious nation on the earth." Few read; and he called the people ignorant. "The clergy are of excellent principles," and very influential. "I believe a bad priest or any other evil-minded persons would be quite enough to mislead this nation, the most credulous in the world. Happily this bad priest cannot be met with in the discipline of our present clergy; but the lay propagandists are easier to be found."<sup>5</sup>

A Frenchman, who was neither a Canadian nor a Catholic, made a lengthy report to the English Government in terms not very dissimilar, noting that the people of Canada, through constant dealing with the savages, were "braver than one would expect from militia and provincial troops." Gentle, faithful and submissive, they were also, "before the arrival of the French forces in 1755, good, simple, unintelligent [*idiots*], devout people; but this soldiery changed manners in Canada. The people became less attached to their religion; there are persons who abandon it every day."<sup>6</sup> "Some measures," he says, "which I sketched elsewhere would suffice to finish the work in a few years." The French Government interested itself so little in the colony, that Canada did not flourish; "there is not a manufacture, nor even a trade, of any consequence; from hats down to shoes, everything must be brought from Europe. There are not even barracks for the soldiers." The idea of barracks seems to have been a preoccupation with this writer; more so than religion or justice. Hence he opined that, as it would cost great sums to

<sup>5</sup> "Remarks on Canada," ff. 1, 8, 4.

<sup>6</sup> "*Ces militaires ont bien changé les mœurs en Canada; il s'en faut bien qu'ils ne soient si dévoués à leur religion; il y en a tous les jours qui changent.*"

build public edifices, "the vast buildings" occupied by religious communities should all be taken, and the communities destroyed. "For stones are rare in Canada. The college of the Jesuits—the most regular building perhaps in America, and capable of housing one thousand soldiers and sixty officers, according to the reckoning of engineers—was built of stones brought from France as ballast [*lest*] in ships; and it cost more than 20,000 pounds sterling."<sup>7</sup>

Turning from the simplicity of this writer, who in matters of equity and political sense was like many of his time, and somewhat of the "*idiot*" which he conceived a Catholic Canadian to be, we have an important statement made by Bishop Hubert, noting the true connection of religion with civil life. In 1790 the bishop, informing Lord Dorchester that he had no need of certain priests from Europe, who were "accustomed to discuss freely all subjects of politics," went on to affirm that heretofore "we have always preached exact obedience to the orders of the Sovereign or of his representatives, and an entire submission to every legal system of laws without examination or discussion. As long as the Canadians never heard any other politics but this, they gave the finest examples of submission and fidelity to the Government."<sup>8</sup>

§ 138. To explain the respective degrees of French and English ascendancy in the northern American continent, we sketch the relative progress of population, the military expansion, the spirit of patriotism, and the grounds of right which underlay the appropriation of Indian lands. These considerations show the texture on which the complicated events of a century were woven, and the history of missionary forces was embroidered.

When for the first time the interests of the two dominions, English and French, began distinctly to clash in relation to the Iroquois of New York, Governor Dongan (1686) reported the population of Canada as 17,000 French;<sup>1</sup> 3000 being fit to bear arms. Livingston, in 1710, allowed 4070 men in the French forces, with 830 Indians. In 1719 and 1720, the official census of Canada

<sup>7</sup> P. R. O., 448, ff. 9, 16: "*État actuel en Canada*"; no date, address, or signature. The writer, who remarks here that "stones are rare in Canada," means, no doubt, that quarries were not worked; and hence there is some probability in his story that, one hundred years before, for want of regular quarries, stone-cutters, and hands generally, the dead weight of ballast in ships had been supplied from the quarries in France, to serve the Jesuit edifice in Canada.

<sup>8</sup> *Loc. cit.*

<sup>1</sup> This number is nearly 5000 more than the official census of the time allowed for New France. See Douglas, *Old France in the New World*, App. IV. p. 541.

recorded 22,530 and 24,434 heads of population. Including thirty-two companies of regulars, 10,000 "French Europeans" were reported for 1738 by the commissioners for Indian affairs at Albany. Governor Clinton of New York reckoned 13,000 French militia for 1745; and Governor Shirley of Massachusetts, in 1753, gave the number as between 16,000 and 20,000 fighting Frenchmen, with 900 Indians. After the cession of Canada to Great Britain, there were reported at the time 80,000 souls in all.<sup>2</sup>

On the other hand, New York alone in 1721 had 6000 militiamen; in 1737, nearly 9000. Governor Dinwiddie of Virginia gave a tabulated list, in 1743, of the fighting men in each of the English plantations and colonies; the sum was 222,700. If this estimate was rather high, at all events in 1755, when British prospects were darkest and French Canada was carrying all before it, there were in the colonies at least 152,700 men capable of bearing arms; of whom over 62,000 were enrolled as militia; the total white population being reckoned at 1,062,000. The darkness of the prospect, which at the beginning of the century (1703) had made Robert Livingston suggest the taking of Canada, in order "to secure the northern part of America and the fishery there," prompted an imperial effort when Canada was left without help from France; and General Amherst with regular troops successfully invaded the country in 1760. Between that event and the formal cession of Canada (1763), the white population of the Anglo-American colonies and islands, not counting recent acquisitions, was 1,260,000, besides 844,000 blacks; and the proportions of population were variously estimated as 10, 15, or 20 English to one French inhabitant.<sup>3</sup>

Some reasons for this great difference in population may have appeared already; as that of so many young men taking to the life of the woods. But one explanation has been advanced which is really not valid. It has been said that Canada was neglected by the French Crown, which only sent over governors; and these took little interest in the country.<sup>4</sup> But this same circumstance was

<sup>2</sup> Brodhead, iii. 896; vi. 126, 276; ix. 896, 898.—P. R. O. 485; 1710, Major J. Livingston.—*Ibid.*, 565, Smith, December 24, 1753, to Shirley, and Shirley to Board of Trade.—*Ibid.*, 448, f. 8, *État actuel du Canada*.—Modern French Canadian statisticians usually put the number of Canadians at the figure 60,000, for the epoch of the cession.

<sup>3</sup> Brodhead, v. 602; vi. 134, 998; x. 1137.—P. R. O., 603, f. 200v; Dinwiddie, August, 1743.—Fulham Pal. Arch., "Thoughts upon . . . the Church in America," June, 1764.—Rochemonteix, *xviii*, ii. 79.

<sup>4</sup> P. R. O., 448, f. 8, "*État actuel du Canada*."

verified in English America, and much more saliently ; for when did the British Government subsidize its colonies with men and means? The French Crown did certainly foster Canada with means, and also, as Governor Lovelace said in his time, with a regular supply of men: "His Catholique Majesty most profusely sends legionary souldiers theather; 500 annually is an ordinary recruite ; so that it is feard, when hee feels a pertinent opportunitie, he will attempt to disturbe His Majestys plantations heere ; to which his souldiers will bee easely invited out of hopes to be in the sunshine ; they being lockt up generally for 3 quarters of the year."<sup>5</sup>

Canada supported by the home Government.

Very different from this degree of paternalism was the carelessness of the English Government, except in fostering English trade and navigation to the prejudice of the colonies. A forcible pamphleteer at the time of the American Revolution sketched the antecedents of America in these terms. That "our ancestors," he said, "when they with the leave of Queen Elizabeth, and of James the First, left England and discovered [!] America, if they had been so disposed, might have incorporated themselves with the native inhabitants, laid aside all thoughts of returning, and dropped all correspondence with England, is undeniable ; and, if they had done so, in all probability neither their former Sovereign or his Parliament would have ever given themselves the trouble of inquiring what had become of them." This statement he enforced : "For it is observable that each colony was suffered to struggle with every difficulty in their new settlements, unprotected, unassisted, and even unnoticed by the Crown itself, from twenty to fifty years ; and even then the royal care was no further extended towards them than to send over Governours to pillage, insult and oppress them."<sup>6</sup>

British colonies neglected.

§ 139. The Canadians meanwhile were considered by the English to have acquired control over the whole continent, beyond the narrow English strip on the Atlantic coast. "It now evidently appears," said the assembly and council of Massachusetts in 1754, "that the French are far advanced in the execution of a plan, projected more than fifty years since, for the extending their possessions from the mouth of the Messisippi on the south to

Designs on the continent.

<sup>5</sup> Brodhead, iii. 190, Lovelace, "Fort James on the Island of Mawhacans," New York, October 8, 1670.

<sup>6</sup> *American Archives*, 4th series, i. 522 ; from Williamsburg, Va., July 7, 1774.

Hudson's Bay on the north, for securing the vast body of Indians in that inland country, and for subjecting this whole continent to the Crown of France"; and all this time "the British governments in the plantations have been consulting temporary expedients."<sup>1</sup>

As to such a French plan, projected more than fifty years before for obtaining control of the entire continent, the Governor of Canada, M. de Courcelles, had been disturbed in mind some ninety years before by a very different vision, saying that the King of England did grasp at all America.<sup>2</sup> Some seventy years before, Governor de la Barre had represented that Colonel Dongan, Governor of New York, claimed for the King of England all the country from the River St. Lawrence to the south-west, "wherein is comprised all the land of the Iroquois, and all the countries which they have devastated along the Lakes Ontario, Erié, Huron, and Michigané, as far as the Illinois, which are countries that the said colonel does not know, and of which he has not a map."<sup>3</sup>

The efforts of the English to obtain some knowledge of the continent behind their plantations are graphically represented in a couple of typical incidents. We have for the month of September, 1671, the "Journal and Relation of a New Explorations,  
English and  
French. Discovery made behind the Apuleian Mountains to the West of Virginia"; which recounts how a Virginian party, duly authorized, peeped over the Alleghanies to discover the South Sea.<sup>4</sup> This was just at the epoch when Marquette and Jolliet penetrated six hundred miles further towards the south-west. Again, it happened that a certain English prisoner escaped from Canada, and informed the Earl of Bellomont about the good things which he had learnt during his ten years' stay in Canada, and his hunting with the French all round Lakes Huron and Michigan, fully eight hundred miles away. The very next day Bellomont issued solemn instructions to Colonel Romer, royal engineer, bidding him go, not to the Great Lakes, but to their next-door neighbours the Onondaga Iroquois, and ascertain if there was really a salt spring there, and a spring of inflammable liquid in the Seneca country just beyond.<sup>5</sup> Now, well-nigh fifty years-earlier, Father Simon le Moyne had given

<sup>1</sup> P. R. O., 67, answer, April 10, 1754, to Shirley's speeches.

<sup>2</sup> *Ibid.*, Cal., ii. § 1108.

<sup>3</sup> Paris, Arch. Col., *Canada, Corresp. Gén.*, vi. f. 336, De la Barre, Quebec, November 14, 1684.—When Delliuss, Bellomont's envoy to Montreal (1698), made a claim to the same effect as Dongan's, the "extravagant demand," says Bancroft (iii. 192), "was treated with derision."

<sup>4</sup> Brodhead, iii. 193-197.

<sup>5</sup> *Ibid.*, iv. 748-750, S. York's information, Albany, September 2, 1700; 750, 751, Bellomont's instructions to Romer, Albany, September 8, 1700.

precise information about these very springs to the Dutch authorities in New Amsterdam; albeit the kindly minister Megapolensis arched his eyebrows, and doubted whether it might not all be "a mere Jesuit lie."<sup>6</sup> We will not define at what time the English may have rediscovered the copper-mines of Lake Superior, worked by the Jesuit Brother Mazier about 1675; or what English botanist may have obtained the credit of identifying American ginseng, which Father Lafitau had identified and used long before.<sup>7</sup> We do observe that the American explorers, Lewis and Clarke, pushed into the region of the Upper Missouri some seventy years after Father Aulneau had lost his life by the Lake of the Woods, and sixty years after French pioneers had reached the Yellowstone River.<sup>8</sup> A span of about sixty years in time, and a thousand miles in space, was usually the margin allowed by the English folk for the French to go before, and to provide valuable maps.

Vast as was the extent of the French dominion, the spirit of the Canadians was proportionately intense, in their union, obedience and attachment to France. When the fortune of war turned against them, in the loss of Cape Breton, the fisheries and ten or twelve men-of-war, ample credit was given to them and to the French Crown by the Massachusetts agent, W. Bollan, who told the Duke of Newcastle that "they hold up their heads, they support their colonies, keep up the spirit of their Indian allies, and together with them make daily incursions into the English territories," etc. He added: "Under these circumstances, the spirits of the English colonies languish and decay, while the French daily grow bolder," so that they may yet succeed "even against Fortune herself." At the making of peace, Governor Clinton discovered that the French had been much more helpless in point of defence than the English; and the distress in Canada was extreme. Looking back upon these times, Bishop Hubert told Lord Dorchester in 1790, that "it was not rare in former times to see large bodies of Canadian militia leave their hearths gaily to go and defend their king and their country, sometimes at Detroit, sometimes at the Belle Rivière, or at other extremities of the colony."<sup>9</sup>

Spirit of the  
Canadians in  
war.

<sup>6</sup> *Infra*, p. 268.

<sup>7</sup> Cf. *Researches*, xi. 192. The Franciscan Father Joseph de la Roche de Daillon, who was at Niagara in 1620, had discovered petroleum. See *Ibid.*, a list, ascribed to Shea, of missionary discoveries.

<sup>8</sup> Rochemonteix, *xviii*, i. 229.—Cf. *Rec. and Studies*, v. 488-508, "Discovery of the Relics of Rev. J. P. Aulneau, S.J."

<sup>9</sup> P. R. O., 66, W. Bollan, Westminster, August 19, 1747, to Newcastle.—*Ibid.*, N.Y., 10, f. 628, Clinton, October 20, 1748, to Bedford.—*Ibid.*, 524, No. 34, Hubert, May 20, 1790, to Dorchester.

When the brave little colony did succeed even against Fortune herself, great were the lamentations of the British; and, neither generalship nor public spirit coming to their aid, the clamour of claims and rights to all America became exceedingly loud. In 1758, Governor Pownall wrote from Boston to Secretary Pitt that, three years before, in 1755, the situation of the English had not yet become irredeemable, and that the French "had not yet then acquir'd the command of the continent," and that measures, if taken, "might have intitled the English to dispute that command with them." At present, after so many "miscarriages and losses" on the English side, "the French having compleated such a system of which we are totally devoid, and having now fix'd their command of the dominion of the continent, and of every nation and individual Indian on the continent," there is no alternative left but "*now to begin* afresh, where we shou'd have sett out ten years (if not half a century) ago." He urged "a general invasion of Canada at the very root." In a subjoined memorial Pownall showed how the French had won the Indians, and, having done so, had "60 or 70 forts" throughout the country and almost as many settlements; and they "do not only settle the country, but also *take possession of it*." He described the English policy: "On the contrary, the English with an insatiable thirst after landed possessions have gott deeds and other fraudulent pretences grounded on the abuse of treaties," and they take in the very hunting grounds of the Indians; who, "unable to bear it any longer, told Sir William Johnson that they believed soon they shou'd not be able to hunt a bear into a hole in a tree, but some Englishman wou'd claim a right to the property of it, as being his tree." He concluded a lengthy memorial of facts and statistics, by saying: "The English American Provinces are as fine settlements as any in the world, but can scarcely be called possessions, because they are so settled as to have no possession of the country." The people are "farmers, millers, fishermen," without union, little connection of interests, and no public spirit.<sup>10</sup>

"The French," wrote Governor Glen of South Carolina, "have too good reason to consider us a Rope of Sand, loose and unconnected"; just what, in religious affairs, the Rev. Mr. Caner wrote to the Archbishop of Canterbury: "We are a Rope of Sand; there is no union, no authority among us."<sup>11</sup>

<sup>10</sup> P. R. O., 71, T. Pownall, memorial and letter, Boston, January 15, 1758, to Pitt.

<sup>11</sup> P. R. O., 67, Glen, S. C., March 14, 1754, to Dinwiddie.—Lambeth Pal. MSS., 1128, No. 290; H. Caner, Boston, January 7, 1763.



The gazettes of the time disseminated an emblem of a snake in eight coils disjointed, with the warning to the eight respective colonies, "Join or Die."<sup>12</sup> Governor Shirley thought that the four southern colonies, from South Carolina northwards, were like ripe fruit, ready for the French to pluck; for there were as many negroes as whites, "Roman Catholics, Jacobites, indented servants for long terms, and transported convicts," with a "great number of Germans"; all of whom would be "indifferent about changing the English for a French government," given a sufficient consideration. The half-million inhabitants of Pennsylvania, one-third of them Germans, were not to be relied on for other reasons; and New York, not at all. "Albany would surrender to the French upon the first summons, if they could preserve their trade by it;" they had twice already tried their hands at private treaties of neutrality with the French Caughnawagas, to let English and French fight as they liked, while the good Albany people should nestle in security,<sup>13</sup> being taken up with Indian peltry, and taking the Indians in with fraud and rum.

Finally, as we said, it was the desperate condition of these colonies in face of Quebec that gave the greatest impulse to high claims of English rights. The state papers became filled with declamations and demonstrations about French "encroachments." Dongan and Bellomont, indeed, had previously asserted rights, on the strength of Indian claims which the Iroquois made over to them for some rum and other things, more substantial than the claims. Warlike expeditions too had substantiated English rights. Sir William Phips of Massachusetts, in an account of his "expedition into Accady, and of that upon Quebec in Canada," explained to all and sundry how the efforts had been wonderfully successful; it was the superior force of "small-pox and fever" which had defeated their object.<sup>14</sup> The best instance of claims is that of "*Monsieur Jean Hill*," General and Commander-in-Chief of her Britannic Majesty's troops in America. A certain B. Green in Boston, 1711, printed a French manifesto for him of this tenor, that the English Queen Anne had "just and incontestable rights and titles over all North America," by right of first discovery and by right of possession. The French King had acknowledged this by accepting "concessions of a part of this, granted to his Christian Majesty by the Crown of

The question  
of rights over  
the continent.

<sup>12</sup> "N.E.," "N.Y.," "N.J.," "P.," "M.," "V.," "N.C.," "S.C."

<sup>13</sup> P. R. O., 68, Shirley, January 24, 1755, to Robinson.

<sup>14</sup> *Ibid.*, *Entry-Book*, 62, pp. 267-269.

Great Britain, whereof the details would be burdensome<sup>15</sup> in this short Manifesto." Now the British Crown had bethought itself of "resuming possession." Hill offered the Canadians all kinds of good things. But, if they did not conform to orders, they must take the consequences.<sup>16</sup> The consequences were that Admiral Walker sailed up the St. Lawrence and then sailed down again; and the Rev. Increase Mather consoled the unhappy people of Boston by reminding them of their sins; for that they, unconscionable sinners, had carried bundles on the Lord's day and done other servile work.<sup>17</sup>

Recourse was had to public deeds of cession made by the Indians to the English. Governor Shirley told the Norridgewock Indians in 1754 of deeds executed by them "above 100 years <sup>Fishing</sup> ago"! <sup>for deeds.</sup><sup>18</sup> So the Virginian Commissioners at Lancaster, in 1744, negotiated with the relics of the Six Nations in New York for "a deed recognizing the King's right to *all the lands that are or shall be, by His Majesty's appointment, in the colony of Virginia.*" The Indians naturally took the £200 in goods and the £200 in gold for what cost them nothing, and what they did not, and even could not, know. A modern geographer has represented graphically the aspect of these and such-like claims based on old royal patents, which, giving away the Atlantic sea-board down "to the South Sea" behind, had betrayed no suspicion of where the South Sea might be found.<sup>19</sup> Now the English were trying an action of trover against the French for having found it.

Governor Glen of South Carolina wrote to the Earl of Holderness, that there was no other ground but paper patents to stand on, if the English were to stand on their feet at all against the French.<sup>20</sup>

<sup>15</sup> " *Ennuyeux.*"

<sup>16</sup> *Ibid.*, N.E., 1, No. 68.

<sup>17</sup> Winsor, v. 109.

<sup>18</sup> *Supra*, p. 190, note 18.

<sup>19</sup> W. R. Shepherd, *Historical Atlas* (1911), map 190, inset.

<sup>20</sup> P. R. O., 67, Shirley, Falmouth, August 19, 1754, to Robinson.—*Ibid.*, negotiations at Lancaster, Pa., 1744, between the Six Nations and the colonies, Va. and Md.; attached to Shirley, May 1, 1754, to Holderness.—*Ibid.*, 66; J. Glen, S.C., June 25, 1753, to Holderness, analyzing 6 enclosures from colonial authorities, etc.

Speaking of Virginia, and what lay behind it, Glen said, the continent behind was "*not the back of our dominion*," but only "*at the back of that dominion*"—as indeed a good part of the world was all round the globe. He dismissed the pretended purchases or concessions from Indians; as well as the idea of the Indians ever having made themselves "subjects and vassals." Indeed, Sir W. Johnson wrote, in 1764, that there was not a word in the Huron language "which can convey the most distant idea of subjection." (See *infra*, p. 865.) Glen came down to the solitary title of King James the First's charter in favour of Virginia. He said, the English had taken public possession of Virginia four score years before La Salle took possession of the mouth of the Mississippi. "Surely the French will not pretend

§ 140. As all parties agreed that, in the cultivation of Indian friendliness and civilities towards the French, a potent factor was the peaceful penetration of the Jesuit missions among the tribes, we proceed from the general sketch of French ascendancy just given to a particular account of the missionary base of operations in the province of Quebec.

At the origin of the French Jesuit missions, the fortunes of the missionaries went hand in hand with those of the colony. Both were twice extinguished for a time, and only at the third start did

that it was necessary to ascertain the limits [of Virginia] *circumeundo, circumambulando*; it is enough that they are clearly described [1] in the above public charter; and that we had taken possession of some parts with an intention to possess the whole. This is clear from the first of the third law *de adquirir: vel amit: poss.*"

But here Glen did not distinguish between what the Virginians could cultivate, or at least ascertain, and what neither they nor King James ascertained or knew anything of, till others made distant discoveries. The Virginians and all the English were applying a different principle against the Indians, original possessors of the soil; considering that the title of the aborigines was too vague and comprehensive, if they were not actually settled on the land which they had not merely ascertained but held as hunting ground. (Cf. History, I. 574; from Vattel.—*Ibid.*, 575, U.S. Supreme Court's decision.)

Defective as Glen's logic was, his geographical knowledge was on a par; for the ideal limits of the Virginia charter did not go near the mouth of the Mississippi; and, if they had done so, they would have been void, since that was territory belonging to Spain. Hence Sir Thomas Lawrence, secretary of Maryland, had been much more correct, half a century before (1695), when, in a representation to king William III. against the French occupation of the Mississippi, he suggested that the English king should obtain authorization from the Spanish king to act in the premises. The French, he wrote, had made two attempts "to possess themselves of the River Ohyo or Spirito Santo which falls into the Bay of Campeche, after a course supposed to be continued from Lakes adjoining to Canada, all along westward from New York, Pensilvania, Maryland, Virginia, Carolina and Florida into the said Bay"; and he prayed that His Majesty would be "moved to possess himself of the mouth of that river by consent of the King of Spain; or to move that king to build some fort there to hinder the French from extending their colonys on the back of the king's Provinces"; and meanwhile the English king should direct the governors of Maryland and Virginia to obstruct further treaties and leagues of the French with the Indians by building English trading posts, etc., "upon the western inland frontier." This Maryland secretary recognized an inland frontier somewhere. (P. R. O., B.T., Md., 2, T. Lawrence, Whitehall, June 25, 1695.)

Not in the light of the foregoing, but in the obscurity and discouragement which oppressed the English colonial authorities, a great quantity of official writing was done in the middle of the eighteenth century, to set up claims which arms were failing to establish, and of which the colonies had not been aware. The tenor of all such state papers, and the name of some was "Encroachments of the French." The Lords of Trade, who enjoyed too much independent leisure to have an independent judgment, beguiled their official hours by submitting for royal consideration the lamentations and reasonings of American governors. (Cf. Brit. Mus. MSS., 33,029, *Newcastle Papers*, 344, ff. 96-100, "August 15, 1758 (from Lord Halifax)."—*Ibid.*, ff. 102, 103, "Encroachments made by the French in America," etc.—*Ibid.*, ff. 119, 120, "Heads of Governor Shirley's Dispatches, April 19 and May 1," showing the very material of the paper, "Encroachments."—P. R. O., 64, ff. 71-76, "State of the Actual Possessions of Great Britain in North America at the Treaty of Utrecht"; probably after 1754.—*Ibid.*, ff. 77-79, similar document on French "encroachments."—Shirley's and Pownall's papers, *passim*.—Cf. Brodhead. v. 75-77, June 2, 1709, on British "sovereignty over the Five Nations," ever since 1610 [1], as the Lords of Trade took it.—*Ibid.*, ff. 619, 620, on French encroachments, in Representation of Bd. Tr., Sept. 8, 1721.)

both become solidly established. In 1603, a French Calvinist seigneur, De Monts, received from his king, Henri IV., a commission to colonize "La Cadie, Canada and other places in New France," from the 40th to the 46th degrees of latitude, that is to say, from the latitude of New Jersey and Pennsylvania to that of Nova Scotia and the River Ottawa. In subsequent negotiations it was arranged that Jesuits should be taken over from France for the <sup>First mission,</sup> conversion of the savages. Accordingly, in 1611, the first <sup>1611.</sup> Jesuit detachment, in the persons of Fathers Biard and Massé, landed at Port Royal in Acadia.

Now, three years after Henri IV. had issued his patent to De Monts, with the effectual results of an actual settlement being made, the English King James I. bestowed on a London and a Plymouth company, in 1606, the lands from the 34th to the 45th degrees of north latitude, that is, from the middle of the Carolinas to Nova Scotia, the northern half of which territory had already been appropriated by the French. The southern portion of this English royal assignment was called Virginia, a name given by Sir Walter Raleigh in the time of Queen Elizabeth. The name of Canada for the French territory northwards had been made somewhat familiar to the French by Jacques Cartier and fishermen and traders half a century earlier, from the date of Henry VIII.'s last years.

Sir Thomas Dale, Governor of the new Virginia, gave a commission to Captain Samuel Argall, who proceeded to raid the older French settlement of Acadia, and practically destroyed it in 1613. This predatory act threatened international complications. De Montmorency, Admiral of France, <sup>First and second missions destroyed by Argall and Kirke.</sup> represented among other things to the English king, that Argall had killed two Jesuits, and had carried two off to Virginia; and he reminded James I. that the French had been in possession of New France during more than eighty years.<sup>1</sup>

The two first Jesuit missionaries were conducted back to France. Sixteen years later (1629), Admiral Kirke destroyed the second French colony, that of Quebec; and the second Jesuit establishment, which comprised some half-dozen missionaries, was returned to the soil of France. Among these men was Father John de Brébeuf. The Fathers had so far been engaged in acquiring a knowledge of places, persons, and of some among the languages of about "fifty

<sup>1</sup> P. R. O., *Cal.*, i. p. 15, De Montmorency, October 18-28, 1618, to James II. In fact, only one, Brother Du Thet, was killed.

nations at least—a vast field certainly,” wrote Father Charles Lalemant, “for our industry to exploit.”<sup>2</sup>

In 1632, with the third and final establishment of the colony, the permanent settlement of the Jesuits took place; and 1635 ranks as the year in which the College of Quebec was founded. A couple of years later there were twenty-three priests and six brothers in the mission. The great campaigns among the Indian tribes now commenced; and during a quarter of a century they were conducted, chiefly among the Huron tribes, with a spirit of heroism and a halo of apostolic glory such as no other portion of the Jesuit missionary field over the globe has excelled in splendour. After that time the missions from Labrador to the Gulf of Mexico settled into the more quiet form of regular development, but not without pearls of martyrdom strung on the golden thread of charity, self-sacrifice, and sanctity. During the seventeenth century, the Fathers who were killed in the exercise of their ministry, or who died victims of their charity, were some fifteen in number. The following century added seven more.<sup>3</sup>

§ 141. When the second attempt was made in 1625, a young man who entered the Order in France, but desired to work in the Canadian mission, assigned from his patrimony 6000 gold *écus*<sup>1</sup> to the foundation of a Jesuit college in New France, on behalf of the spiritual assistance and instruction of the natives.<sup>2</sup> This young man was René Rohault, eldest son of the Marquis de Gamache. His personal liberality was seconded by the

<sup>2</sup> Rochemonteix, *xviii*, i. 4–10, 22–37, 69, 152–159, 452.—Cf. History, I. 151, 152, 319–322.—In the matter of languages, compare Father Marquette's observation on a very critical moment in the Mississippi voyage of exploration: “There was no one who understood anything of the six languages that I knew. At last, an old man was found who talked Illinois a little” (Thwaites, lix. 152).

<sup>3</sup> In the seventeenth century, Fathers Noyrot, De Nouë, Jogues, Daniel, De Brébeuf, G. Lalemant, Garnier, Chabanel, Buteux, Garreau, Ménard, Marquette, Dalmas, and the Brothers Malot and Liégeois; in the eighteenth century, Fathers Rasle, Du Poisson, Souël, Huet, Aulneau, Sénat, and Viot. The list would be much extended if it included those who died of contagious diseases contracted while attending the sick—Fathers Boismlon, and others.

<sup>1</sup> P. R. O., *Col. Corr., Canada (Quebec)*, 1788, 35, No. 50, enclosure 2, f. 2v; “Case,” November 19, 1787. The sum, 6000 gold *écus*, is quoted from Charlevoix, *History of New France*. The *écu* was equal to three or five francs. Munro (p. 46, note) rates the *écu* of Louis XIV. at slightly more than five francs (4 shillings). In Latin documents of Roman origin, or for Roman use, the monetary unit was rather a Roman *scudo* (about 5 shillings). In either case the sum would be, on this basis of computation, about £1000 sterling. But see the next note.

<sup>2</sup> Mutius Vitelleschi, General of the Society, August 15, 1635, letters patent, accepting of the donation made by the Marquis and Marchioness de Gamache. Cf. Rochemonteix, *xviii*, i. 454, 455. The matter of the donation, its immediate object, its ulterior scope, and the condition of its acceptance are all stated: “Cum

devotion of his parents, who added an annuity of one thousand gold pieces.<sup>3</sup> On the liberality of this noble family the maintenance of the first Jesuit station at Quebec rested—that of Notre Dame des Anges, a little to the north of the town.

The property of Notre Dame des Anges was granted in 1626 to the Fathers of the Company of Jesus and their successors in franc aleu or as allodial, with all seigniorial rights.<sup>4</sup> The donors were Henry de Lévis, Viceroy of New France; the New France Company; and John de Lauson, Governor of New France. With the other donations which followed, this gift was

A seigniority  
for the  
college.

*nobilissimus . . . et nobilissima . . . unum Societatis collegium in Nova Gallia pro spirituali Canadensium auxilio et institutione fundare proposuerint, et in hunc finem eidem nostrae Societati sexdecim aureorum millia pure et irrevocabiler inter vivos donaverint; Nos eodem studio ducti, et idoneam nostrae Societatis ministeriis sedem in illis partibus fore confisi, ac utriusque pietati et propensae erga nostram Societatem voluntati, quoad in nobis est, respondere exoptantes, praedictam donationem cum nostro, tum nostrorum successorum nomine, omni meliori modo quo possumus, acceptamus. . . .*" The General then proceeds to confer on the donors the spiritual privileges of founders. As to the amount of this donation, 16,000 *aurei*, or Roman *scudi*, if this sum was the same as the 6000 gold *écus* of the son, René Rohault, an *écu* of the latter would have designated a *louis d'or* (about 18 sh.); and so we find them stated to have been. (Jones, *Biens des Jésuites*, p. 64; with a citation of the Roman Jesuit Archives: "C. A. 15"; March 16, 1636.) Otherwise, there must have been a double endowment from the family. These 16,000 *aurei*, or Roman *scudi*, are stated to have equalled 48,000 *librae* (Rochemonteix, *xviii*, i. 207, note 1; from *Catal.* 8, 1655). In short, the amount would seem to have been about £4000 or £5000 sterling; the value of which in modern money would be something approaching ten times as much, or between £90,000 and £50,000.

The immediate object of the donation is the founding of a college of the Society. This term, a "college of the Society," had a strictly juridical meaning, both in canon and civil law, according to the organic institute of the Society; and it signified, in the first instance, the corporate body of Jesuits, who constituted a local establishment; in the second place, the same body with all the material conditions of habitation, subsistence, books, apparatus, etc. (Cf. Hughes, *Loyola*, pp. 62, 63.)

The ulterior scope of the donation is stated to be the spiritual assistance and instruction of the "Canadians," that is, the aborigines; for at this time the European population from France was called French as distinguished from the natives of Canada. In fact, there were no Canadians as yet of European extraction. No conditions are attached to the donation; since the Jesuit institute does not allow of uses or trusts other than the purposes themselves which are limited and determined in the institute, and for which property is to be used. Hence the donation is stated to have been made *inter vivos*; pure or absolute, and irrevocable; that is, not subject to any conditions in view whereof the property, once vested in the Society by delivery of possession, might be reclaimed for the non-fulfilment of such conditions. The General professes the same intentions as the founders, confidently expects to establish an institution "conformable to the ministries of our Society," and signifies his formal acceptance of the gift in the manner most conclusive. The tenor of this official act, on the part of the Order accepting a donation, is identical with that of the acts by which donors gave the estates, now to be mentioned in our text. Not limiting to any uses or trusts the ownership of the property conveyed, they expressly adopted and promoted the uses and ministries, which the Society itself proposed and executed according to its Constitutions. (Cf. Fine, pp. 448-452.) This conveyance, according to recognized canon law, made the property inalienably ecclesiastical, in the face of the civil authority.

<sup>3</sup> Rochemonteix, *xviii*, i., 207, note 2. Here is the same ambiguity in the term, 1000 *aurei*. See the preceding notes.—For a sketch of René Rohault's life as a Jesuit, see *Ibid.*, i. 206, note 2.

<sup>4</sup> "In franc aleu or freehold," as the crown lawyers of 1790 define the title. We

confirmed by the French king, May 12, 1678, who expressly decreed all rights of mortmain to be inherent in the lands and accessories. The tenure in frankalmoigne, or *franc almoïn*, was expressly so denominated in one of the donations confirmed by the king.<sup>5</sup>

The motives and considerations of the donors in making over Notre Dame des Anges were the services rendered by the Jesuits, as well to the French as to the savage inhabitants of the country, which services, said the deeds, cannot be too much acknowledged; "the Fathers exposing themselves daily to dangers, in order to bring the savage tribes to the knowledge of the true God and to the practice of a civil life; and having contributed powerfully to the establishment of the colony by exercising daily charity, as well towards the French as towards the savages; and, moreover, that by their Constitution they cannot accept of any foundation that imposes upon them any other charge but such as they voluntarily bind themselves to by their vows,<sup>6</sup> of which they acquit themselves so worthily that it is not just to oblige them thereto, nor decent to stipulate any such." The donors are sure that they interpret rightly the intention which the New France Company has, to acknowledge by every means the care taken of the colony by the Reverend Fathers of the Company of Jesus.<sup>7</sup>

No sooner had Father Paul le Jeune, accompanied by Father de Nouë, arrived in Canada for the final and successful establishment of the mission (1632), than, as he says, he began to teach ABC. He had two scholars to begin with; and, in the following year, twenty. From this experience he drew out, in 1635, a practical plan of education for the establishment of a college and Indian

infer from the documents that seigniories were loosely called "fiefs" in Canada, even when they were not such. Thus the Jesuits' Island of St. Christophe appears in the heading of the crown lawyers as a "fief and seignior," though they go on expressly to state that it was given in "Franc Almoïn." Frankalmoigne was not a title in fee constituting a fief. This title of "free alms" had a fixed significance in the general canon and civil law of Europe, such as prevailed in France at the time. See History, I. 588, 590, Coke-Littellton on gifts in frankalmoigne. (Also, *Ibid.*, 441, 445, 584.) Munro states in general that "grants *en franche aumône*, or frankalmoign, were made in considerable number, invariably to religious, educational, or charitable orders or institutions" (Munro, p. 58).

<sup>5</sup> That of the Isle de St. Christophe.—Cf. Jones, *Gazette*, pp. 27, 28; extract of the letters patent, May 12, 1678.—History, I. 582, 588, on amortization.

<sup>6</sup> The term, "vows," is inexact here. The word should be "institute," "organization," or "Constitutions," based on the religious vows.

<sup>7</sup> P. R. O., *Col. Corr., Canada (Quebec)*, 1790, 50A.: Jesuit Estates; Analysis or Digest of the Titles, by the Crown lawyers, A. Gray and J. Williams; p. 40. The official acts, concerning this seignior of Notre Dame des Anges, are dated 1626, 1637, 1646, 1652, 1678.—Cf. Thwaites, lxxi. 64-95, "*Aveu et Denombrement des Terrains des Pères Jésuites en Canada*," May, 1788.

seminary. It was necessary, he judged, to migrate from the settlement of Notre Dame des Anges, and place the seminary in the midst of the French ;<sup>8</sup> and so there would be three classes in Quebec, French, Huron, and Montagnais. He had been the teacher of some little Indians so far ; Lalemant, and then De Quen, had taken charge of the French children.<sup>9</sup> The large-minded mercantile Company of New France seconded Le Jeune's views, and made a concession of land in the town of Quebec. Their grant, dated March 18, 1637, stated that "the Reverend Fathers, the Jesuits, have represented to us their intention of establishing a college and seminary in New France, for instructing there the children of the savages (the Hurons, distant from Quebec two hundred leagues, having already sent six to them, and promising to send them a great number in future), and also for instructing the children of French people who shall reside near the place. For these causes, willing to contribute our part to so salutary and laudable an undertaking, we have granted to the said Reverend Fathers twelve acres [*arpents*],<sup>10</sup> for the purpose of building thereon the said college and seminary, a church, lodgements and apartments."<sup>11</sup> In a subsequent act relating to the same property, the language used was identical with that in the concession of Notre Dame des Anges ; acknowledging the services of the Fathers to French and savages alike, and stating that the Jesuit Constitutions allowed of no conditions ; which accordingly it was neither just to impose, nor honourable to demand.<sup>12</sup>

The history of the college from 1635 till it reached a fully developed form may be given in the words of Father Jerome Lalemant, writing from Quebec, September 14, 1670, to the General of the Order. "The College of Quebec," he says, "according to the text of its foundation, is for the succour and spiritual instruction, that is to say, the catechetical instruction of the Canadians, in other words, of the Indians ; to this alone we are held in justice. But gradually French children were

Town land  
for the  
college.

Development  
of the college,  
1635-1670.

<sup>8</sup> *Où est le gros de nos François, pour arrester les petits Sauvages par les petits François.*

<sup>9</sup> Jones, *Biens des Jésuites*, pp. 65-67 ; extracts from the letters of the superior, Le Jeune, 1632, 1638, 1635.

<sup>10</sup> The arpent was about  $\frac{1}{8}$  of an English acre, and seems to have been often translated as "acre."

<sup>11</sup> P. R. O., *Col. Corr., Canada (Quebec)*, 35, No. 48, 2<sup>nd</sup> enclosure, "Translation of a Case, accompanying a Petition of the Citizens of Quebec, concerning the College of the Jesuits, and the Estates belonging to it. Dated 19<sup>th</sup> Novemb., 1787" (80 closely written foolscap pp.) ; ff. 2<sup>r</sup>, 3.

<sup>12</sup> Jones, *Biens des Jésuites*, pp. 63, 64.



received, since there is no other school. Whereupon, we taught reading and writing; then a little Latin at the request of parents, there being no other college; finally, the full curriculum, for otherwise, it was urged upon us, what would be the use of the start already made? When the bishop [*Laval*] arrived, seeing the impossibility of recruiting in France for the priesthood, he asked us to teach philosophy, together with moral and scholastic theology, since which time five or six have been educated for Holy Orders. The bishop has gathered from twelve to fifteen students for the seminary. They attend our classes, as do our boarders and day scholars. Though we are not bound in justice to teach all the sciences, how can we give them up? Should we recall our Fathers from the missions?"<sup>13</sup>

§ 142. When laying down his plan of education in 1635, Father Le Jeune had stated a third object in the administration of the seigniory, Notre Dame des Anges. Not only had he a college in view, and an Indian seminary; but he said, "The third object is to aid with great efficiency<sup>1</sup> the mission of our Fathers to the Hurons and other sedentary nations." This object assumed larger proportions when it was found that the Indian seminary was not effective for bringing in the Indian youth, and sending them back Christians; nay, Father Le Jeune already anticipated that the Indian part of the college should have to be placed farther away in the interior. "As to the [*Indian*] seminary," he said, "we are building it. It shall be for a time at the residence of Notre Dame des Anges; but, if there is any pious person who would make an establishment and provide maintenance for the poor little savages, to make them children of Jesus Christ, we must needs transfer it higher up. There the savages will make no difficulty about bringing their children." The piety which Le Jeune invoked would thus supplement the liberality as well of the Marquis de Gamache as of the New France Company. The generosity of the former nobleman was maintaining the residence and educational enterprise of Notre Dame des Anges, and the future Quebec College; all the other residences were supported by the latter, "the gentlemen of the Company of New France, who," said the Father at that time (1635), "have forts erected and habitations for us French in different parts of these countries." Fathers were already dispersed

An Indian  
seminary in  
the interior.

<sup>13</sup> Jones, *Jesuits' Estates*, p. 11.

<sup>1</sup> "*Puissamment*."

among savage tribes, Montagnais to the north, Hurons to the west.

For the benefit of these Indian missions numerous gifts of land were now made to the Order, by divers benefactors. Amid the considerations which moved the Company of New France, allusion was made to the assistance rendered by the Fathers of the Society in the settlement of the country, as had already been intimated in the gift of land for the college. Undoubtedly, it was no trifling asset to have identified with the new colony the name and work of the great Order, which was towering so high in old France and throughout Europe. But otherwise the motives expressed for bestowing lands were those of furthering the conversion and civilization of the savages, as the English Crown lawyers of the eighteenth century noted very particularly. They said, "The great object in the several grants to the Jesuits in the last century seems to have been the conversion of the savages to Christianity. Most of them are in consideration of past services in that way, and in [of] the great use they had been of in establishing the colony. None of the grants impose any conditions that can give rise to a claim from any quarter whatever<sup>2</sup> at this day. On the contrary, some of the titles are anxiously explicit in freeing them [*the Jesuits*] from burdens that never existed or were meant to be imposed; and the general maxim of their Institution, alluded to in one of the title-deeds of the estate and seigniority of Notre Dame des Anges, shows how different were the ideas regarding them of those days and those now maintained." The lawyers went on to say that the Fathers were "without any legal footing or establishment till the year 1651, in the month of July of which they obtained

Tenor of the  
new titles  
for Indian  
missions.

<sup>2</sup> The lawyers should have said "lay quarter." But, being English jurists who were examining the title of the English king to the escheat of the lands, any distinction between lay and ecclesiastical had no relevancy in their minds, since the king was the supreme head of their Church. The absence, however, of another important distinction, which these lawyers should have made, we cannot explain. It is that underlying the principle called *cy-près* in the English Chancery, according to which principle such property as is assigned to a charitable (religious, educational) use, but requires some change in the mode of application, may not arbitrarily be applied to any other use save that which is *cy-près*, "nearest to" the original intention and mode of application designed. When the Society of Jesus was suppressed, its property, clearly charitable, educational, and religious, was thus, by the rule of the English Chancery, pre-engaged to the "nearest" object which would carry on the Jesuit uses. The Catholic Church itself was quite legal in Canada. And yet, passing over Catholic uses and Church uses, these lawyers considered that the king might, with a clear title, vest the property in Lord Amherst's lay family. Hallam, as we noted in another place, considered that "the generous amusements of life" indulged in by a noble family were a better use than religious, educational, or charitable purposes. See *History*, I. 480, note 10. Cf. Anstey, pp. 181-184, on more modern cases in which the principle of *cy-près* has been duly honoured by the English courts in favour of Catholic uses.

from the French king letters patent for their establishment in North and South America"; and from the general titles it appears "that they were allowed to possess lands and houses and other property for their subsistence, upon the same footing as they did at that time in the kingdom of France. The lands they had acquired were thereby confirmed to them; and they obtained the singular privilege, rarely granted to religious communities, of acquiring without further permission other estates and property, without limitation. Thus rendered [*civilly*] capable of acquiring and holding estates,<sup>3</sup> their grants were variously conceived: sometimes to the Reverend Fathers of the Company of Jesus generally; at others, to those of the Company established in New France; but all evidently for the Society at large, and subject to the rules of their Institution."

Part of this last clause, which the lawyers considered to be an evident deduction, was mistaken; and the other part was incorrectly expressed. All the property was subject to the administrative superintendence of the General, but not as if he were vested with any title to it; and none of it was for the Society at large.<sup>4</sup> This misconception landed the lawyers at once in a difficulty, which they professed themselves unable to solve. They said, "Three of the most considerable estates, granted in this way prior to the letters patent of July, 1651, were afterwards, to wit in 1676, explained away, for what purpose or with what intent we cannot account; and regranted by the Intendant [*Duchesneau*] to the Jesuits for the College of Quebec; but it does not appear to us that the Intendant had such power of changing the destination of any deed." They use various premises to show that his act was not effectual in altering the uses of the property. Their conclusion was correct, but their premises quite unnecessary; as we shall now explain.<sup>5</sup>

Vesting in the college for the use of missions.

<sup>3</sup> This form of expression is inexact. The king's act expressly recognized the said Fathers as having possession already: "*dans la possession des terres qu'ils ont achetées, ou qu'on leur a données, en l'une et en l'autre Amérique.*" His act was a civil confirmation of their rights, with extensions. It was registered by the Parliament of Paris, April 11, 1658. See full text, *Rochemonteix, xvii*, i. 470-472.

<sup>4</sup> See the same theory put forward by Munro, apparently from Robert Abraham, to explain quite another matter, viz. why the Jesuits accepted two conveyances *en franc aleu noble*; because, says he, "since the title of all lands granted to the Jesuits vested in the General of the Order," this allodial title obviated the necessity of paying a mutation fine at the demise of each General. But the same author goes on immediately to show the improbability of this reasoning and of his theory; for he says, "The Jesuits did not, however, find it advisable to adhere to this policy" (Munro, pp. 52, 53).

<sup>5</sup> P. R. O., *Col. Corr., Canada (Quebec)*, 1790, 50 A; preliminary report, pp. 17-19. —See *infra*, p. 289, note 4.

§ 143. In the year 1650, the General Father Piccolomini adverted to some irregularities, which had crept in regarding the tenure of Jesuit property. In the Society only two kinds of houses had the capacity to possess such property as yielded an income or revenue. They were colleges and houses of probation. Colleges, originally designed for the formation of scholastic Jesuits, but enlarged subsequently to comprise the outer world, should not be founded on mendicancy, or the necessity of making appeals for maintenance, as Father Campano observed to the King of Poland.<sup>1</sup> Houses of probation for novices during two years at the beginning, and for Fathers in a third year, as tertianship, at the end of their formation, were not actually yielding to the faithful any of those services which entitle the labourer to his daily sustenance. Provinces and missions, being only collections of institutions, were not capable of holding property in their own name. If funds were assigned by benefactors for uses outside of collegiate or probational purposes, they could still be invested in the name of a college, the equitable and appointed use remaining intact. In 1650, Piccolomini ordered a revision to be instituted of any practice in vogue, which might not be in accordance with these principles.<sup>2</sup> The mission of Maryland, as we have seen, was called to order; and, not having a college of its own in the name of which funds could be administered, it was ordered to be incorporated in one of the English colleges.<sup>3</sup>

The matter being thus summarily explained, it is clear what the Intendant Duchesnaux did, when, at the instance of Father Dablon, he revised some of the principal deeds of landed foundations for the missions, and inserted the clause: "For the College of Quebec." It was to meet the exigencies of the Jesuit institute. The appointed destination and uses of the property remained untouched.<sup>4</sup>

<sup>1</sup> Cf. *History*, I. 582, 583.

<sup>2</sup> Cf. *Fine*, 436, 437; 447, § 11; 457, 458.

<sup>3</sup> *Documents*, I. No. 6, Z, Z bis.—*Supra*, pp. 26, 27.

<sup>4</sup> P. R. O., *Col. Corr.*, *Canada (Quebec)*, 1790, 50 A; Report of A. Gray, attorney-general, and J. Williams, solicitor-general, Quebec, May 18, 1790, to Lord Dorchester, pp. 17-19. *Ibid.*, "Analysis or Digest of the Estates of the late Order of Jesuits," etc., pp. 56, 61, 71, on Duchesnaux's deed of explanation, February 7, 1766.

The lawyers note that the deeds were revised for "three of the most considerable estates." The reason why Dablon submitted no more seems clear. Those three, La Prairie, Le Cap de la Madeleine, and Batiscan, were large enough to seem productive of an income, and to fall under the General's animadversion regarding a titular holder. The others were used by the Indians, like the two Lorettes on St. Gabriel's seigniorly, or were the property of the college itself, like Notre Dame des Anges and Belair, or else had not the semblance, any more than the farms in Maryland, of yielding an income beyond current necessities.

The reservation of sacred property intended by benefactors for the service of

What we have said will suffice for the primary foundation in Canada, that of Notre Dame des Anges. It was intended, in the first place, for the instruction of Indian natives, or "Canadians," as they were called at the time. Then it was enlarged into a general educational institution or college, having a seat in the neighbouring town of Quebec. In the third place, it was made the base of missionary operations, "to aid with great efficiency," as Le Jeune expressed it, "the mission of our Fathers to the Hurons and other sedentary nations." Finally, to satisfy the exigencies of the Jesuit institute, it was named as the titular holder of the mission property, having no claim or lien upon

The college a missionary base.

Indian missions was as absolute in the Society's statutes as in the canonical law, which was supported by the French civil law. In the Society the inviolability of such a use was intensified by special conditions. The General, as supreme administrator, could not transfer any property from one use or subject to another; nor, even if property was put in his hands to apply as he chose, could he alter the destination of it from the moment when he had vested it in a competent subject, whether a college or house of probation. Akin to this intangibility of vested rights and their uses was the policy regarding the appropriation of patrimonies if assigned by members to the Order; such donations had to be applied within the territorial limits of the Jesuit Province where the property lay. (Of. Fine, 461, 462.)

The royal power in France acknowledged in diplomas the legality of the titles as conceived for the purposes of the Jesuit institute; and, rehearsing the specific characters of frankalmoigne, placed all the property in ecclesiastical mortmain, subject to no escheat in the face of the civil power, and to no rights of reversion in donors or their heirs. In English history the Statutes of Mortmain ensured expressly the inalienability of ecclesiastical property. See *History*, I. 599 (A.D. 1285). After the Reformation, Coke, Pollock, and Maitland have treated the matter in precisely the same sense. See *Ibid.*, 440-445, 584. All this was identical with the jurisprudence of France, in spite of the prevalent Caesarism. "*Quant aux Congrégations religieuses dans l'ancien régime . . . après avoir possédé légalement sans autorisation, elles ont été ensuite régies par un droit particulier; et, si elles n'avaient pas droit à la personnalité morale comme les autres associations, c'est parce qu'elles possédaient une situation privilégiée qui les dispensait de plein droit de tout impôt et de toute redevance. . . . Le droit romain, dans la loi 1. au Code et dans la nouvelle 181, reconnaît à l'Eglise le droit de posséder sans autorisation, alors que les autres universités avaient besoin d'être autorisées*" (M. Massabuau, March 28, 1901, in the French Chamber of Deputies, on the Law of Associations).

For the ultimate and juridical basis of Jesuit rights in the tenure of property, cf. *Documents*, I. No. 61.

The Crown lawyers of 1790 were very much at a loss for want of knowledge on this subject and on French history. They considered that, by the suppression of the Society, the Jesuit property had ceased to be ecclesiastical, if indeed they had any idea at all on that subject; and "as a derelict or vacant estate" was vested in his Britannic Majesty "by the clearest of titles, if the right of conquest alone was not sufficient." The Parliament of Paris, which was so violent against the Jesuits in France and so greedy of their property, was taken by these lawyers to be something like the Parliament of England, or the entire legislature. It was only a higher kind of county council, with the power of registering royal acts. (P. R. O., *loc. cit.*, Report, pp. 25, 26.) Nine years after this report of Gray and Williams, respectively attorney and solicitor-general, another attorney-general, J. Sewall, put the case otherwise: that in France, on the dissolution of the Order, "the proceedings were in a great degree arbitrary" (P. R. O., *Col. Corr.*, *Lower Canada*, 84, No. 16, Milnes, January 31, 1800, to Portland; enclosure "E, Attorney-General's Report, November 28, 1799, upon the claims of the province to the estates of the late Order of Jesuits," f. 3).

such lands except for improvements and outlay made from its own funds.<sup>5</sup>

We pass on to the other foundations, all of which were made in the interest of the missions. One of them, Sillery, an estate having one league of frontage on the St. Lawrence and four leagues in depth, was given to the natives. The ratification of this donation by the French king afforded him the occasion of extending to the aborigines, as he said very graciously, some "little emoluments derived from their own country." He gave them the right, with all correlative privileges, of taking up an equal quantity of land at every place where there should be a French fort and garrison.<sup>6</sup> This concession to the natives in 1651 was a counterpart of what the king granted, under the same date, to the Jesuit missionaries, that they might establish themselves anywhere in America, possess lands and houses just as in France, and be under no necessity of taking out letters patent for any foundation.<sup>7</sup> The motives of divine

<sup>5</sup> Thus Duchesnaux, revising (1676) the title of the Cap de la Madeleine to place it in the name of the College of Quebec, noted that "the said seigniory was fully inhabited in the front and a great way back by the care and at the expence of the said college" (P. R. O., *loc. cit.*, Analysis, p. 59).

There was scarcely a circumstance in the acts which we have mentioned but was taken hold of, in the last decades of the eighteenth century, to establish a thesis that all the Jesuit property belonged to the (white) people of Canada, who then went by the name of "Canadians," just as the aboriginal Indians had been known by that name when the estates were first acquired. The main lines of the thesis were that the College of Quebec belonged to the "Canadians," seeing that these were to be educated there; that the donations of land for the missions were held in the name of the college, and therefore belonged to it; that Duchesnaux's revision of the titles afforded a proof peremptory of this, or, at all events, that estates like Batiscan and Cap de la Madeleine, though expressly given in the deeds of donation for the missions, were intended for the college, and confirmed by Duchesnaux in favour of it, and annexed by the king thereto; and this apparently because the college had laid out money in caring for these estates. It was more than insinuated that amortization by the king had the effect of quashing the titles as expressed in the deeds, and vesting the right of ownership in the college. It was taken for granted throughout that the Canadian farmers were the descendants or heirs of the grand French seigneurs of the Court and the Church who had made the donations originally. Great havoc was made of the Jesuit institute and canon law in the elaboration of the thesis.

The intention was good, to save the property from the hands of Lord Amherst's family. But the conception of the thesis, as laid out in the petitions, could scarcely have been worse. The reports of the Crown lawyers in 1790 (Gray and Williams) and in 1799 (J. Sewell) sufficiently tore these claims to pieces. Some other lawyers, and, after 1792, a Constitutional Club, were apparently conducting the movement, and inducing the simple Canadians to sign the flimsy productions (P. R. O., *Col. Corr.*, *Lower Canada*, 66, No. 10, Quebec, May 8, 1798; apparently J. Monk, attorney-general, to E. Nepean). One of the petitions was the "Case" which we have quoted above (p. 235, note 11). It was signed, Quebec, November 19, 1787, by 195 persons; and submitted to the governor, Lord Dorchester. That of February 4, 1798, was signed by 230 inhabitants of the city and county of Quebec, and presented to the General Assembly (*Ibid.*, 84, No. 16, Milnes, January 31, 1800, to Portland; enclosure F, 4).

<sup>6</sup> Rochemonteix, *xviii*, i. 468, 469; July, 1651.—See *infra*, p. 244.

<sup>7</sup> *Ibid.*, 471; July, 1651.—See *infra*, p. 245.

service and the conversion of souls were always put forward conspicuously.<sup>8</sup>

§ 144. A noble spectacle of Christian devotion, zeal, and liberality, is that which was exhibited by French Catholics towards the western savages of the woods. At the time when the family of René Rohault were seconding with their ample munificence the original donation of Notre Dame des Anges made by the New France Company, the latter gave further expression to its good will by bestowing other lands on the Fathers. It granted a seigniory at Three Rivers (1637); and its motives were declared to be the assistance, which the Fathers had given to the Company in the settlement of the country, and their intrepidity in exposing their persons daily to many dangers, in order to bring the people of New France to a knowledge of the true God, and to civilize them. The Company desired one acknowledgment of the grant, and dispensed with all other conditions.<sup>1</sup> Conceding the Isle des Ruaux in the St. Lawrence below Quebec (1638), the same Company expressed in more emphatic terms the consideration which moved it thereto; that the missionaries exposed their persons to the greatest dangers which can be encountered among the savages, to convert and civilize them; and the island was given for ever to the Fathers and their successors, subject only to an acknowledgment and the filing of an agricultural report every twenty years.<sup>2</sup>

\* Some umbrage seems to have been taken at this religious turn of mind. "One can scarcely fail to remark," says Munro, "the ostentation with which professions of religious impulses on behalf of the French Crown are inserted, not only in all the ecclesiastical title-deeds, but in many of the purely secular ones as well. . . . As the Jesuits were the most active and successful agents in this work, their Order was made the recipient of the royal bounty to a very generous degree" (Munro, p. 54). But, not to mention the language used by Charles II. in his charter for the S.P.G., as given below (p. 802), if one will consult the Virginia charter of 1609, he will find James I. speaking thus: "The principall effect which Wee cann desier or expect of this action is the conversion and reduction of the people in those parts unto the true worshipping of God and Christian religion." See *History*, I. 151. At the same time, the reader will fail to find that ministers of the Gospel were recipients of royal bounty to a "generous degree," or to any degree whatever—whether in that English charter or in any other of the two score odd which followed. Indeed, the object of the religious "ostentation" in the Virginia charter was clearly evinced in the sentence just quoted. It was to exclude "the superstitions of the Churche of Rome." It was not to bestow on the natives "little emoluments taken from their own country."

<sup>1</sup> Official acts relating to this seigniory were dated 1637, 1650, 1678.—On February 15, 1684, says Munro (p. 25), the Directors of the New France Company "made to the Reverend Fathers of the Society of Jesus a grant, in *franche aumône* or mortmain," of about 600 arpents at Three Rivers. Frankalmoigne and mortmain were not identical, as seems to be implied here. The latter, mortmain, was a civic qualification attached to ecclesiastical property, held whether in frankalmoigne or by other titles.

<sup>2</sup> 1637, 1678.

James de la Ferté, abbot of St. Mary Magdalen of Chateaudun, and canon of the King's Chapel in Paris, conveyed two vast estates, for reasons which became more specific in the second donation. He bestowed the seigniorship of Batiscan (1639), as a fief on the Fathers, in token of his good will and pleasure for the love of God.<sup>3</sup> When, twelve years later, he conveyed also the Cap de la Madeleine (1651), he stated his motives to be zeal for the establishment of the Christian faith, and for the civilization and conversion of the savages to the Christian, Catholic, Apostolic, and Roman religion; also the trouble, labour, and care which the said Fathers had taken and did daily take in instructing the savages; and his desire to give them further means of continuing so to do, as well as to give the savages an opportunity of settling near them. The whole estate was to be enjoyed, done with and disposed of by the Fathers and their successors in New France, as they should think proper for the benefit of the savages converted, and for the maintenance of the Jesuits in the said country; "the whole conformably and according to the customs and Constitutions of the said Company of Jesus, without any civil obligation."<sup>4</sup>

Batiscan.  
Cap de la  
Madeleine.

When the first of these donations was given by the Abbot De la Ferté, two families of savages, numbering about twenty persons, had been settled by the Jesuits on the St. Lawrence above Quebec; and a residence of St. Joseph was established there. To begin the residence, M. le Commandeur Brûlard de Sillery had assigned 12,000 livres tournois.<sup>5</sup> Now (1639) he added 20,000 livres tournois by an absolute gift; but he reserved the use of the sum till his death, substituting until then an annuity of 1500 livres. In case that the settlement of savages, when fully established, no longer needed the money foundation, or that the savages passed away from the reduction, the revenue should then be applied to the Jesuit Indian seminary for the Algonquins or Hurons, or any other cognate purpose as the Fathers might judge proper. If the residence itself ceased to exist at St. Joseph's, the donor attached the use and administration of the revenue "to the first and nearest college of the Society which shall be established in New France, to be dispensed and applied to the aforesaid objects and intentions."<sup>6</sup> Twelve years later (March 3, 1651), the Indians of this reduction at St. Joseph's, which was now known as Sillery, were favoured by the

<sup>3</sup> 1639, 1662, 1668, 1676, 1678.

<sup>4</sup> 1651, 1676, 1678.

<sup>5</sup> A livre tournois was about 10*d.*; a livre of Paris, about a shilling.

<sup>6</sup> February 22, 1639. For text see Jones, *Biens des Jésuites*, pp. 57-59.



New France Company with a seigniory, consisting of one league in front on the St. Lawrence by four in depth, "all under the management and direction of the Jesuit Fathers who have converted them to the Christian faith, and of their successors." Every right was granted, and no burden imposed.

The King of France was not to be outdone by the Company in generosity to the natives. Four months after this concession, he issued letters patent in confirmation, and added much more : granting, he said, "a league upon the great river by four leagues in depth landward, not only at the place contained in the said concession, but moreover in all places and localities where there shall be a French fort and garrison." Then, formally awarding such domains to the savages, he accorded all rights of hunting, fishing, and other emoluments to be had on the land or river adjacent, without any dependance on any one whatsoever, or any obligations, all of which he remitted, abandoned, and resigned, "on condition, however, that the said savages shall be and shall remain always under the management, direction, and protection of the Jesuit Fathers ; without the advice and consent of whom they shall not be qualified to resign, concede, sell, or alienate the said lands which we grant them (nor permit hunting or fishing to any persons except with the permission of the said Fathers and the Christian captains), without the acknowledgment and consent of the said Fathers, to whom we assign the direction of the said savages ; of which [*direction*] they are not held to render an account except to their superiors." Like the New France Company in the concession of Sillery, the king acknowledged any vested rights already acquired by Europeans on such reservations, by transferring the dependance of such tenants over to the Christian captains under the direction of the Jesuit Fathers ; and he forbade any further settlement by Europeans on such lands except by the authority of the same local Indian government : "all," he said, "for the profit of these nations, to induce them by these little emoluments derived from their own country to leave their wandering life and to lead a Christian life, under the management of their captains and of the said Fathers who have converted them." <sup>7</sup>

The date of this diploma was the month of July, 1651. Under the very same date were issued by the same Louis, King of France and Navarre, letters patent, confirming an allowance already made

<sup>7</sup> Rochemonteix, *xviii*, i. 466, 467, concession of Sillery, March 8, 1651.—*Ibid.*, 467-469, royal letters patent of confirmation, July, 1651.

by him (March 27, 1647), of 5000 livres annually, towards the subsistence and maintenance of the Jesuit Fathers who labour in North and South America for the conversion of savages; according all rights to the missionaries on the lands which they possess and in the waters adjacent; and besides qualifying them to settle anywhere, in the islands or on the mainland, with all rights to possess lands, houses, and other appurtenances; "all in such wise as they now do in this our kingdom of France where they are established; without their being held to take out from us or our successors other letters than these presents." The consideration which the king stated at the beginning, was, "the great labours which the Fathers of the Company of Jesus undertake daily in America, north and south, to gain for Jesus Christ the peoples of those countries; so far as to give their lives in bringing assistance, and to shed their blood and suffer [*the torture of*] fire in these glorious employments." Wherefore he made these provisions against all difficulties in the future, whether on the subject of the annual subsidy, or on that of undisturbed possession, wherever the Fathers had bought lands or had received them by donation in one or other America; intending hereby "to contribute, as far as is possible, to a work so holy and praiseworthy as that of the said Fathers of the Company of Jesus; who have no other end or object but the love and glory of God, and the desire to benefit and aid the poor savages, and conduct them to eternal salvation."<sup>8</sup>

Royal diploma and allowance for the Jesuit missionaries, 1651, North and South America.

The date at which these letters patent were issued (1651) was less than twenty years after the permanent Jesuit establishment had begun in Canada. But what the king alluded to, in the laying down of life to convert the barbarians, already formed the subject of a golden record from the Montagnais in the north, southward to the Iroquois country behind New Netherland, and westward to Lake Huron—a savage territory, something like an equilateral triangle, five hundred miles a side. Besides Father Noyrot and Brother Malot shipwrecked and drowned at Canso, Father de Nouë had been lost in the snow near Fort Richelieu. Jogues and Bressani had been tortured with every refinement of cruelty, the former dying at the hands of the Mohawks. Daniel, in the midst of his Indian flock at St. Joseph's, Huronia, had been pierced with arrows and finished with an Iroquois bullet.

Apostolic record of Canada, 1651.

<sup>8</sup> Rochemontieux, *avril*, i. 470-472: "*A Paris, au mois de juillet, 1651*"; registered by the Parliament of Paris, April 11, 1658.

De Brébeuf and Gabriel Lalemant had been despatched by the same Iroquois savages in the midst of the Huron settlements, the former after three hours of exquisite torture, the latter after part of a day and a whole night at the stake.<sup>9</sup> Garnier had met his death at the same hands, by bullets and a hatchet. Buteux had been waylaid by the Iroquois, shot and tomahawked, on the Saint-Maurice, a few miles above Three Rivers. From the concessions made to the Fathers, and from the language of the young king, who with the advice and consent of the Queen Regent, as well as of his Privy Council, ratified and extended the grants, rights, and franchises of the Fathers, it is evident that the apostolic record of Canada had made the profoundest impression on the great world of old France. Even the local Parliament of Paris had brought itself to register the sweeping franchises, granted by the State in the person of the king.

§ 145. Le Jeune had spoken in 1635 of moving the seminary centre of missionary activity "higher up" the country, and had looked wistfully for some benefactor. It was in the preceding year (1634) that Brébeuf, assisted by Daniel and Davost, had re-established distant missions among the Hurons.<sup>1</sup> He was succeeded in 1638 by Jerome Lalemant as local superior in those parts. This Father, after a careful census had been taken by the missionaries of the Indian towns, villages, cabins, hearths, and heads of population, advanced from the idea of missionary stations scattered here and there to that of a great central residence, whence all the operations should radiate. So at a spot near the outflow of the Wye into Matche-

The Huron residence, 1639. dash Bay, which is itself an arm of the Great Georgian Bay (Lake Huron), was founded in 1639 the residence of Ste. Marie des Hurons, the headquarters of five district missions, four among the Hurons, and one in the Petun or Tobacco tribe. Each of these district missions had its own chain of stations. In 1641 there were thirteen Fathers serving. In the same year they added two more district missions southwards among the Neutral

\* A chief ended Brébeuf by slashing his side open and tearing out his heart, which the savage devoured. (Rochemontelx, *xviii*, ii. 80.)—Compare Father Thorpe's reflection respecting something similar at the destruction of the Society; "upon the principle," he says, "of the wild Tartars who, according to Hudibras, seek always to kill the finest men, because, by knocking them down, they believe that all the accomplishments of the slain will instantly enter into the body of his murderer, who upon the spot will become as tall, handsome, and strong as was the man who was killed" (Stonyhurst MSS., A, iii. 15; June 22, 1774).

<sup>1</sup> The Recollect, Father Joseph Le Caron, penetrated into Huronia, in 1615. In 1626, the two Jesuits, Brébeuf and Nouë, accompanied the Recollect Dailion to the same parts. See Jones, *Huronia*, pp. 269, 288, 289.

Nation, where a population of 12,000 was to be evangelized. But those, whom they had actually reached with the word of God, numbered, in 1641, more than 15,000 souls.<sup>2</sup>

A founder was not wanting for this new great residence of missionaries, 300 miles to the west of Montreal and 500 miles from Quebec. Father Charles Lalemant, procurator of the mission, was in Paris, when a young man, M. Daniau, <sup>Daniau's foundation, 1646.</sup> aged thirty years, entered the Jesuit novitiate. On the day of his entrance, August 14, 1646, he founded in perpetuity, with the good will of his mother and relatives, the house or college established among the Hurons in New France by giving 1200 livres tournois of perpetual income, to begin the next year, 1647; and he added, as a security for the payment of this, a mortgage on his other property. Should the said house or college fail to continue, the founder, with the consent of his mother and heirs, limited the use of this income to some other house of the Society in New France, whether the College of Quebec or any other. And, should the Society itself cease to exist in New France, the benefit of the foundation was to pass, equally divided between the Jesuit missions in the eastern hemisphere and those of the islands in America inhabited by the French. This act of Daniau, seigneur of St. Gille, being read to his mother, was approved and augmented by 5000 livres tournois, to be bequeathed in her will. The donor made a further addition: "He wills that, during his life, his heirs pay to Father Charles Lalemant, or to the successors of the same, an income of 500 livres tournois for a pension, beginning this day, the date of his entrance into the novitiate."<sup>3</sup>

In the following year, Francis de Lauson, king's counsellor of the Parliament of Bordeaux, made a gift of the seigniory called La Prairie de la Madeleine, opposite Montreal. His motive <sup>La Prairie.</sup> was the zeal of the Fathers in converting savages to the Christian faith. His conditions were that they should send such persons as they might think proper to cultivate the lands, and that the donor should be partaker of the benefit of their prayers and sacrifices.<sup>4</sup>

In the same year, 1647, the seigniory of St. Gabriel at Quebec,

<sup>2</sup> Cf. Jones, *Huronie*, pp. 298-331. In this volume, pp. 298-402, the personnel of the Huron mission (including Jeune Lorette), the stations, and movements of Fathers and Brothers, 1634-1650, are all traced out with accuracy. For the map of Huronia, as reconstructed by Father Jones, see also Thwaites, xxxiv., *ad fin.*

<sup>3</sup> Jones, *Biens des Jésuites*, pp. 55, 56; "A Paris, 14 aout, 1646," attested by notaries public.

<sup>4</sup> 1647, 1676, 1678.

commonly called Old and New Lorette, was bestowed upon the Fathers, in consideration of the great friendship which subsisted between them and the donors, Robert Griffard and his wife.

**St. Gabriel, or the two Lorettes.** The donation was made of the property as the owners possessed it, subject to fealty and homage at every mutation of possession, and to other dues and services according to the Custom of Paris. Hence this seigniorship came to the Fathers under the actual conditions of a fief. Otherwise the donors added none of their own.<sup>5</sup>

The island of St. Christophe, near Three Rivers, was given, in 1653, by John de Lauson, Governor of New France, in frankalmoigne, affixing no charge or condition whatever. He was moved thereto by the consideration of such zeal manifested, and care taken by the Fathers, and such religious benefits accruing from the conversion and instruction of the savages, as could not be sufficiently acknowledged.<sup>6</sup>

All these conveyances of property for the missions were confirmed by the king in 1678, putting everything absolutely in mortmain, elaborately setting the Fathers free from all rights which the Crown could pretend to have, and putting them under an obligation "to continue their prayers for our prosperity."<sup>7</sup> Still, as mortmain did not free land from antecedent burdens, inherent or annexed,<sup>8</sup> such property as had the character of a fief remained subject to feudal conditions.

**The fiefs also put in mortmain.** Later, in 1699, Louis Hector de Callières, governor, and John Bochard de Champigny, intendant of New France, granted Pachirigny, near Three Rivers, subject to the conditions of faith and homage, and other dues and services according to the Custom of Paris. But, in their donation, they contributed a new consideration which moved them to it: not only the spiritual and temporal assistance rendered daily to the savages of this country, and the great labours undertaken, but also the enormous expenses which the Fathers had incurred in supporting the missions to the said savages.<sup>9</sup>

<sup>5</sup> 1647, 1667, 1678.

<sup>6</sup> 1654, 1678.—As John de Lauson was Governor of New France, 1651–1656 (Brodhead, ix., *ad init.*), he must have been the person referred to, in a letter from the General, September 25, 1655, to Father T. Carwell, Rector in London. A diploma, conveying the spiritual privileges of the Society to the Governor of New France, had miscarried, and fallen into the hands of Carwell: "*Londinum, P. Thomas Carvello, R. ¶ Opportune accidit quod diploma Communicationis meritorum Societatis, a nobis missum Gubernatori Novae Franciae, incidit in manus R.V., qui prudenter fecit illud mittendo Parisios ad Procuratorem. ¶ . . . (Anglia, Epist. Gen., under date.)*" On this governor, cf. Rochemonteix, *xviii*, ii. pp. 135, 136.

<sup>7</sup> May 12, 1678.—Of. *supra*, p. 234.

<sup>8</sup> Cf. History, I. 581.

<sup>9</sup> 1699.

The zeal of the Fathers, which did not take its rise in this liberality of Catholic devotion, but had given rise to it, proceeded to use it, and to spend much more than vast untilled tracts of land could in a scarce population normally produce. At the end of the century, as we have just quoted, the governor and intendant made the enormous expenses of the Jesuits a motive for granting the little seigniori of Pachirigny. So too when Sillery, given originally to the Indians, but eventually worn out and rendered useless for their service, was passed over to the name of the Order, the governor and intendant stated as motives for this grant the deterioration of the land, the clearing away of the firewood during nearly forty years past, the great spiritual and temporal assistance given by the Jesuits to the savages of this country, and, besides, the great expenses entailed in supporting the missions to the savages, particularly those that had been settled at Sillery, for whom the Fathers had purchased lands in several places to settle the natives and keep them together. On these grounds, Sillery was conceded in fief to the Fathers, subject to fealty and homage and the usual charges of the Custom of Paris.<sup>10</sup>

As we shall see in its proper place, Governor Carleton stated, after the cession of Canada to England, that the King of France had allowed the Jesuits "14,000 livres yearly for the maintenance of their missionaries," not to mention their own estate in France which yielded them, he said, "upwards of 10,000 livres a year."<sup>11</sup> In 1728, the royal allowance had been 10,600 livres, of which 1200 were for the College of Quebec, and 500 for the house at Montreal. The remaining 8900 livres were distributed as follows: "For their missions in Canada, 5000"; for their Iroquois and Abenakis missions, 1500; for the support of a missionary at Kansas, 600; for the support of 2 missionaries to the Sioux, 1200; for that of a missionary at Tadoussac, 600."<sup>12</sup>

What we have said on the subject of temporalities may suffice for our purpose, which was to show the liberality of Catholics in France. The annexed map of Jesuit estates, taken from the British state papers of 1801, will serve to portray the matter to the eye.<sup>13</sup>

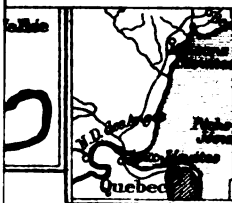
<sup>10</sup> Official acts, 1651, 1699, 1702, 1783.

<sup>11</sup> *Infra*, p. 350.

<sup>12</sup> Brodhead, ix. 995. See *infra*, p. 349. Cf. p. 348, note 2.

<sup>13</sup> P. R. O., *Col. Corr., Canada (Quebec)*, 1790, 50 A, pp. 87-84, "Analysis or Digest of the Titles of the late Order of Jesuits," etc., from which the foregoing motives and considerations have been chiefly drawn; it was attached to the Report, Quebec, May 18, 1790, submitted to Lord Dorchester by the Crown lawyers, A. Gray and J. Williams; *Ibid.*, pp. 1-28.—*Ibid.*, *Lower Canada*, 1801, 86, a large chart of the

Jesuit Estates in the Province of Quebec, signed by Samuel Holland, surveyor; endorsed: "In Lt.-Gov. Milnes's, No. 42, to the Duke of Portl." It is reproduced by us here (opposite page). For a list yielding a sum of acres considerably larger, cf. W. B. Munro, *The Seignorial System in Canada*, p. 180, note. Where the Holland map has for the seigniory of Notre Dame des Anges and Charlebourg 28,224 acres (arpents), the list copied by Munro has "Charlebourg, 119,720 arpents"; and his total is 880,705 arpents (instead of Holland's 798,842), with Caughnawaga in addition, 28,224 acres. Lieutenant-Governor Milnes, in a memorandum A, attached to a "separate and secret" despatch, November 1, 1800, gives the Jesuit property as 891,845 acres; and subjoins to his list of ecclesiastical and lay property, acquired by French grants before the conquest, the following querulous remark: "To the Church nearly  $\frac{1}{2}$ . R.S.M." (P. R. O., *Col. Corr.*, *Lower Canada*, 85.) The disencumbering the Catholic Church in Canada of its lands, and the disencumbering Canada of the Catholic religious Orders, were questions agitated with the liveliest interest by all kinds of parties, till near the end of the eighteenth century. Cf. *Documents*, I. No. 139, P.



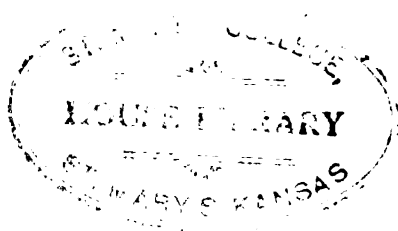
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## CHAPTER XII

### INDIAN MISSIONS IN NEW FRANCE

§ 146. Radiating of the French Canadian missions. Westward. § 147. Southward to New Orleans. § 148. The Mississippi valley. § 149. Northward. The missionary spirit. § 150. Eastward. Life with the Abenakis. § 151. An episode: "The Turk of the Churches." § 152. Destruction of the eastern churches. Rasle: 1724. § 153. The Iroquois. First Jesuit mission: 1654-1658. § 154. Second Iroquois mission, begun 1665.

**Manuscript Sources:** (London), British Museum MSS., 33,029.—Public Record Office, *America and West Indies; Colonial Papers; Colonial Correspondence, Canada*.—(Paris), Archives Nationales, viii. K. 1232, 1.—(Rome), Propaganda Archives, *Acta; America*, 3, *Canada*, 256; *Congreg. Partic., America*, 137.

**Published Sources:** Hughes, *Documents*, I. Part i. of this series, *History S.J.*—Akins, *Documents of Nova Scotia*.—Bancroft, *History U.S.*, iii.—Brodhead, *Documents*, iii.—v., vii., viii.—*Cambridge Modern History*, vii.—Doyle, *Colonies under the House of Hanover*.—Field, T. W., *Indian Bibliography*.—Hazard, *Pennsylvania Archives*, i.—iii.—*Johns Hopkins University Studies*, 11th series, ix., x.—Kip, *Early Jesuit Missions in N. America*.—*Massachusetts Historical Society Collections*, 1st series, v., x.; 2nd, viii.; 3rd, x.; 5th, ii.—O'Callaghan, *Documentary History of New York*, i., iii.—*Records and Studies*, v., ix.—*Recherches*, vii., ix., xii., xiv., xix., xxii.—Rochemonteix, *xvii. siècle*, i.—iii.; *xviii.*, i., ii.—Rowland, *C. Carroll of Carrollton*, i.—*Smithsonian, Ethnology*, bulletin 30, *Handbook of American Indians*.—Thwaites, *Jesuit Relations*, *passim*.

THE missionary enterprise of New France radiated in all directions. We devote this chapter to a general view of the movements, reaching beyond the Great Lakes westward, down to the mouth of the Mississippi southward, up to the ices of Hudson Bay in the north, and eastward to the Atlantic. Among the eastern Indians of Acadia Christianity and civilization attained almost as high a degree of development as was to be met with anywhere in the Jesuit missions. But here religious progress came into touch with New England; and

the result was more tragic than that of the raids conducted a century earlier by Argal and Kirke.

Inward, bordering on the New York colony, was the great Iroquois people, which had been the scourge of all tribes around, and the destruction of the Huron Christian missions. Into the midst of these savages, called first the Five Nations, then, after the incorporation of the Tuscaroras, the Six Nations, the missionaries threw themselves as into the jaws of the lion. They succeeded in founding a mission. When it had been dissolved, they settled themselves a second time. Here the chapter leaves them cultivating this remarkable people. It does not arrive at the moment when friction began, and hostility grew between the New York government and the Jesuits. We shall find the Fathers later establishing a third mission among the same Iroquois.

§ 146. Before the French Crown in 1651 honoured the labours of the missionaries, by according to the Indian converts such ample franchises as we have described, the system of missions had already branched out to the four points of the compass. It was this circumstance, and the spirit with which the campaign was conducted, that had fixed the attention of European benefactors, and elicited the beneficence of the French king. The length of time, indeed, since the third and permanent establishment of the Society had been effected in New France, was less than twenty years. But the work accomplished in that short span was almost a foundation completely laid for the vast missionary activity, which with more stable results continued to develop during a century.

Westward, there was the mission of the Hurons, who with the Petun and Neuter nations occupied the peninsula between the three great lakes, Ontario, Erie, and Huron.<sup>1</sup> Between 1626 and 1650, at which latter date the Huron nation was almost completely destroyed by the Iroquois, some twenty-five Fathers laboured in the midst of Ottawa forests. Northwards, between the river Ottawa and the Saguenay, the Algonquin Indians were tended by missionaries from 1640 onwards. In the forty-two years after that date, twenty-four Fathers were amongst the Montagnais; the Nipissings were followed to the north-west; and where Ottawas wandered with a residue of

<sup>1</sup> In connection with the Neuter Nation occurs the first written notice of Niagara Falls, in Father Ragueneau's Relation of 1648. See *Rochemonteix*, *xviii*, ii. 168, note 2.

the Hurons, on the shores of Lakes Superior and Michigan, three principal missions were established. Towards the head of Lake Superior, there was the station of Saint-Esprit. At the junction of three lakes, there was that of Sault Sainte-Marie, overshadowed, after 1671, by the more important mission of Michilimackinac. On Lake Michigan, St. Francis Xavier's mission was situated in Green Bay. Eastward to the Atlantic Ocean and down to the English colonies, there was the Abenaki mission, comprising divers tribes. The scourge of these were the Iroquois Nations, who raided the country from the south of Lake Ontario; they were "the Turk of these Churches," wrote Bishop Laval, in 1663. But into the land of "the Turk," with whom we shall occupy ourselves more fully later, the Jesuit Fathers had already entered, laying down their lives, vanquished and vanquishing. This was to the southward from Quebec. Vaster expeditions to the south were soon set on foot, after the exploration of the Mississippi down to Arkansas by Father Marquette and M. Jolliet. This opening up of the southern country brought the Fathers into contact with the limitless nations of the Illinois, with the Chickasaws, Choctaws, Natchez, etc. While the outlying districts for thousands of miles were thus scoured, central reductions for the refugees of nations dispersed, and for volunteer Christians of many other tribes, were founded in the valley of the Saint Lawrence.

Such was the general picture of missionary operations. In the track of the Fathers we shall rapidly traverse the country, west, south, north, and east, and then halt in the great centre of disturbance, among the Five Nations of the Iroquois.

On April 25, 1641, the superior, Father Jerome Lalemant, wrote to the General Vitelleschi from his new establishment, St. Mary of the Hurons, far away on the eastern shore of Lake Huron. He said: "Here we have been in the midst of barbarism, thirty Frenchmen gathered together; the Fathers being thirteen, with one lay-brother, seven oblates (*donnés*), the rest, ordinary domestics." Within ten years after this letter was written, the Huron nation was dispersed by the Iroquois, who descended with the destructiveness of lightning upon the forming missions. Fathers Brébeuf, Gabriel Lalemant, Daniel, Garnier, Chabanel, died victims of their priestly charity.<sup>2</sup>

<sup>2</sup> Here it is of political consequence to note that these raids of the Iroquois, for purposes of depredation and destruction, followed each time by an immediate withdrawal as sudden and stealthy as the incursions, were at a later date advanced by New York governors as an English title to the possession of the western world;

After the dispersion of the Hurons, Fathers Allouez, Dablon and Marquette established the missionary centres farther west. The more familiar names of tribes with which the missionaries dealt on Lake Michigan and Lake Superior were, besides the fugitive Hurons and Algonquins, the Folles Avoines, Sacs, Foxes, Illinois, Cristinaux, Eastern Sioux, Chippeways, Pottawatomies and Miamis (1666-1670). At the south-western angle of Lake Superior, the Sioux Indians, in whose country Father Ménard had perished (1661), listened to Father Dablon preaching by interpreters in 1667. In 1689, Father Marest was present with Nicolas Perrot on the river Sainte Croix (between Wisconsin and Minnesota), when possession was taken of those territories in the name of France.

Later generations of missionaries penetrated much further in the direction of the unknown sea of the west. In 1727, Fathers Guignas and de Gonnor accompanied M. de Boucherville through Wisconsin and the hostile tribes of Fox Indians, as far as Lake Pepin on the upper Mississippi. A fort was built among the Sioux; and a flying party went sixty leagues northwards on the great river. Between 1732 and 1735, Father Guignas was practically lost among the nations of the Sioux, and the hostile Sacs and Foxes. When word came of his being alive, he was in such circumstances of danger and destitution that the savages themselves had compassion on him.

Several lines of travel were followed by voyageurs towards the unknown sea. The Red River was essayed; the Missouri also, four hundred leagues upwards in its course. Another path of exploration was taken towards the Lake of the Woods. Hither, with the voyageurs of M. de la Vérendrye (1731), Father Mesaiger came in the direction of the Cristinaux and Assinoboine Indians. The forts built beside the waters running into Lake Winnipeg were reckoned as three hundred leagues beyond the head of Lake Superior. A few years later (1735) the voyageurs were in the same western country, but this time with Father Aulneau de la Touche. Beyond Lake Superior they travelled almost the whole way through burning woods, in the midst of thick smoke. The vast country was all lakes, rocks, forests, and wild beasts; and besides there were the

because the Iroquois cantons professed that they had conquered those territories in olden times, and now willingly sold their titles to the English. See Brodhead, iv. 908, the Iroquois' own account of their title to the west, when selling the territory as far as Detroit, etc., to the English king, July 19, 1701.—*Cf. Brit. Mus. MSS.*, 38,029, f. 98, Lord Halifax's citation of this Iroquois title, August 15, 1753.—*Cf. supra*, pp. 229, note 20; 415, note 5.

murderous Sioux. These, being at war with the Cristinaux, fell upon the French party, and massacred them at the Lake of the Woods.<sup>3</sup> So fell the Jesuit missionary. In the explorations which continued to be made, two other voyageurs of the De la Vérendrye family reached, on January 1, 1743, the Yellowstone River in the region of the upper Missouri, and were among the Mandan and other Indians, whom Father De Smet in the following century served to make well known.<sup>4</sup>

§ 147. If now we return to the junction of the three lakes, where the missions at Sault Sainte-Marie and at Michilimackinac were the pivot of formation for the southern no less than the western operations, we may glance downwards towards the Gulf of Mexico. In 1673, Father Marquette and M. Jolliet arrived from Chicago at the confluence of the Mississippi and the Arkansas. As a tablet unveiled in Chicago (May 16, 1909) records in bronze, they dashed into this unknown country, covering "2500 miles in canoes in 120 days"; and, continues the record, Marquette's journal explained the reason why: "To do and to suffer everything for so glorious an undertaking." Nine years afterwards La Salle from the south came to the mouth of the great river, and gave to the countries watered by it the name of Louisiana.<sup>1</sup>

From Michilimackinac to the Arkansas.

Between the two extremities of the territory now opened, stable as well as nomadic missions among the Indians came to form a line from Michilimackinac down to New Orleans. There were the Green Bay and St. Joseph establishments on opposite shores of Lake Michigan; Detroit, between Lakes Huron and Erie; the Kaskaskia missions, from the Tamarois, nearly opposite the modern St. Louis, downwards on the east side of the Mississippi; stations among the Yazoo, Natchez, and Alibamon Indians; and a certain kind of footing in New Orleans.

The missionary system became more steady and settled. It extended itself with the quiet efficiency of a permanent force, penetrating and transforming.<sup>2</sup> But the obstructions were many, less

<sup>3</sup> Cf. *Rec. and Studies*, v. 488-508.

<sup>4</sup> Rochemonteix, *xvii*, i. 896, note 2; 397 *seq.*; ii. 357-368; *xviii*, i. 188, 198-229.

<sup>1</sup> It is noteworthy, as characteristic of Frontenac, that this governor, on reporting to the French minister, M. Colbert, the exploration of the Mississippi, buried in profoundest silence the circumstance that the Jesuit Father Marquette was with Jolliet on the journey (Brodhead, ix. 121, 793).

<sup>2</sup> Cf. Friedrich Paulsen, on the Society's mode of advancing in Germany during

from the side of the Indians than from that of the French administration. The Indians could never vanquish a zeal which was always prompt to confront death. But the civil organization of whites implied the presence of garrisons at posts; and the soldiers inoculated the Indians with the vices of Christians to the detriment of Christian morality, and by consequence to the prejudice of Christian doctrine.

Obstructions  
to missionary  
work. White  
traders.

Detroit was a pronounced instance of this agency at work. It had not even the initial advantage of being a missionary foundation. M. de Lamothe-Cadillac, finding himself restrained at Michilimackinac of certain liberties and practices with the Indians, obtained authorization to found this new post more to the south (1701), and to have a free hand, less under missionary control. He was desirous, indeed, of having missionaries who drew the natives; and he was gratified to a certain degree. But, while the mission at Michilimackinac declined owing to the migration and draining of Indians towards Detroit, the condition of religion at the latter post was found by Charlevoix, some twenty years later, to be such that there was no Christianity at all among the Ottawas there; a very small element among the Pottawatomies; and, though the Hurons were nominally Christian, they had no missionaries, and their chiefs did not want any. The Miamis also of St. Joseph's missions at the south of Lake Michigan had been invited to swell the population and brandy traffic of Detroit.<sup>2</sup>

Besides the civil organization which marred the missionary work, through the licence of garrisons and the traffic in *eau de vie*, there was the pressure of ecclesiastical authority, sometimes not favourable to the Jesuits. By the authority of Mgr. de Saint-Vallier, Bishop of Quebec, the Jesuits at the Tamarois mission of the Illinois were overtaken, and displaced

Conflicting  
missionary  
interests.

the first sixty years of the Order's existence: "*Es ist in seiner Tätigkeit etwas von der stillen, aber unaufhaltsamen Wirkungsweise der Naturkräfte; ohne Leidenschaft und Kriegslärm, ohne Aufregung und Ueberstürzung dringt er Schritt für Schritt vor, fast ohne jemals einen zurückzutun. Sicherheit und Ueberlegenheit charakterisieren jede seiner Bewegungen. Freilich sind das nicht Eigenschaften, die lebenswichtig machen*" (*Geschichte des gelehrten Unterrichts*, I<sup>2</sup>, 407 seq.—Duhr, i. 868).

<sup>2</sup> Rochemonteix, *xviii*, iii. 499-515; *xviii*, ii. 51-56.—In P. R. O., *Col. Corr., Canada (Quebec)*, 1799, 50, H (A, 212 seq.), the Crown lawyers register the Jesuit titles and lands, for chapel and residence purposes, on the river "Akancea," at Michilimackinac, Detroit, etc.; at which latter place there is reported for 1790, "a farm of one hundred arpens, with a good dwelling-house thereon, occupied by the Jesuits until the death of their last missioner, and now by Mr. Dufan [*F. X. Dufaux*], missioner from the St. Sulpiciens." Michilimackinac was possessed by the Jesuits "as late as 1764."—Under the heading of "Lands at every place where there should be a fort or garrison," the mission at the Castle St. Louis in Louisiana is described as having 2 arpens in front and 4 arpens deep; that on the river Akancea, 42 × 80 arpens (*Ibid.*, 50B).

by other priests; so too in the Mobile mission. To be left at peace in their work, the Jesuits, in 1703, had recourse to the Pope, asking that instructions might be sent to the Bishop of Quebec for a permanent division of territory between the different bodies of missionaries.<sup>4</sup>

At this epoch all the anti-Jesuit interests were rallying round the Jansenistic forces to combat the formidable Order, as the common enemy of religion and mankind. One assumed principle to justify the war's fury was expressed in a paper attributed to M. La Salle, on occasion of his returning to Paris in 1678: "In that country yonder [*Canada*], even more than in France, the Jesuits regard as the enemy of religion whomsoever they take to be the enemy of their Society; and they regard as the enemy of their Society whosoever does not depend on them for all that he is in that country yonder."<sup>5</sup> Even Varlet, the veritable founder of the Jansenistic Church at Utrecht, was not wanting on the soil of the western world.<sup>6</sup>

§ 148. On the shore of the Mexican Gulf, vicissitudes of a similar kind attended the missions of the Jesuits. Mgr. de Saint-Vallier in Quebec, Mgr. de Mornay in France, and the Company of the Indies, arranged matters as they chose. A Recollect, Father Anastasius Douay, had entered the Mississippi with the French

<sup>4</sup> Prop., *Acta*, 1708, September 24, ff. 211<sup>r</sup>, 212: "7. Dalla segreteria di stato vien comunicato all' E.E. VV. un memoriale de' PP. Giesuiti Francesi, i quali espongono, come nelle nuove scoperte fatte nella parte dell' America meridionale detta il Mississippi, essendosi trovata grandissima moltitudine di popoli, che mai hanno inteso parlare della religione, li oratori si sono portati alla cultura di quella gente; il che vedutosi da Padri delle Missioni Straniere, hanno voluto stabilirsi ove erano i Padri; i quali ceduta ad essi la propria casa, e la missione, sono andati a faticare in altra parte, dove pure sono stati seguitati da' medesimi missionarij; onde i PP. sono andati altrove. ¶ Supplicano però la Santità di Nostro Signore a degnarsi di fare scrivere a Monsignor vescovo di Quebec, che assegni alli oratori, conforme da' medesimi è stato pregato, in sì vasto tratto di paese, che si stende 1800 leghe, un distretto, ove essi possano faticare, senza ricevere disturbo da' sudetti missionarij, che potranno operare in altra parte. ¶ Rescriptum: Scribatur juxta petita. ¶ [In marg.:] America."

According to the tenor of this petition, the Bishop of Quebec had already been requested to assign the Jesuits a territory exclusively their own to work in; but he had omitted or refused to do so.—*Of. Thwaites*, lxxvi. 87, and *passim*.

<sup>5</sup> Paris, *Arch. Nat.*, viii. K, 1282, 1, p. 82.—*Of. History*, I. 19 (20).

<sup>6</sup> On Varlet's appointment to the coadjutorship of Babylon, of which he became at once vicar apostolic by right of succession, the Abbé Montigny, procurator (in Rome) of the Paris Seminary of Foreign Missions, stated to the secretary of the Propaganda among other things, that Varlet, while in America, had "never interposed in anything, except the conversion of infidels." But, notwithstanding this, and the names of his consecrators, and other commendable antecedents, it appeared that Varlet had slipped out of Paris—though the nuncio did not believe it—was ostensibly on his way to the Babylonian see by way of Amsterdam, preferred Amsterdam to the Babylonian see as also Jansenism to any Roman obedience. (*Prop., Acta*, 1719, May 2, 88<sup>o</sup>, ff. 160-168, secretary of the Propaganda on the nuncio's report, which contains curious things.)



naval officer D'Iberville, in 1699.<sup>1</sup> He withdrew; and the Jesuit mission was founded in the French colony of Mobile and Biloxi. **From Mobile to the Illinois.** Displaced again here by Priests of the Foreign Missions in virtue of letters patent from Mgr. de Saint-Vallier, the three Louisiana missionaries of the Order were recalled to Europe by their French Provincial. But the Jesuits more to the north continued their work in the field of the Illinois nations.

After 1717, New Orleans was destined to be the central post of French dominion on the Mississippi. A mission of Carmelites was organized, but not realized. A Capuchin mission was established at New Orleans. The Priests of the Foreign Missions were at the old Jesuit post of Kaskaskia among the Illinois. The immediate issue of all these movements was that, in 1722, the country was divided; all the territory south of the Ohio, on both sides of the Mississippi, was assigned to the jurisdiction and operations of the Capuchins; the country immediately north of the Ohio remained in the hands of the Foreign Missions; and the rest of the territory amid the Illinois was left to the Jesuits. Four years later, however, the Capuchins resigned their Indian district to the Jesuits, allowing the latter a residence at New Orleans.<sup>2</sup>

The Choctaw, Alibamon, Arkansas, Illinois, and Miami Indians gave their names to the chief missions, which the Jesuits conducted in the Mississippi valley during the eighteenth century. At the French post among the Natchez, Father Du Poisson, missionary of the Arkansas, was killed, November 28, 1729, while engaged in the

<sup>1</sup> Prop., *Acta*, 1699, May 4, f. 160<sup>a</sup>; petition to the Propaganda, and renewed concession by the latter of "Florida, called by the French Louisiana," to the Recollect Province of St. Denis, Paris; F. Anastasius Douay being appointed Prefect.

<sup>2</sup> *Researches*, xxii. (1905), 124-127; memoir (November 21, 1728), from the archives of the French Ministry of Marine.—Vatican Libr., *Vatic. Lat.*, 8064, ff. 220-229, Cardinal Tamburini's report on the representation of the Abbé Lisledieu, etc.—Rochemonteix, *xviii*, iii. 550-554, 587-589. The letters patent of the Bishop of Quebec, December 15, 1690, assigned the Illinois country to the Jesuits, who had laboured there for "more than twenty years"; those of May 1 and May 14, 1698, gave the Priests of the Foreign Missions power to settle where they chose.—*Ibid.*, *xviii*: i. 270-284, the movements of Carmelites, Capuchins, etc., 1722-1726.—Cf. Prop., *Acta*, April 13, 1722, 25<sup>o</sup>, ff. 188, 189, petition of the procurator-general of the Capuchins, for the installing of the French Capuchin Province of Champagne in Louisiana; alleging that the French king and the duke regent had moved the Provincial of Champagne hereto. The secretary, however, noted that the Sacred Congregation had, in 1720, authorized the Discalced Carmelites to establish a prefecture in Louisiana.—*Ibid.*, August 3, 1722, 31<sup>o</sup>, ff. 410, 411, reference having been made by the Propaganda to the French nuncio on the foregoing, the answer was reported, that Cardinal Dubois had dismissed the whole project as having no foundation whatever; "as well because the said island of Louisiana was sufficiently provided with missionaries and other religious who worked for the good of souls, as because the despatching of new missionaries, and especially those of a different institute, could prejudice the proper service of the said mission, and hinder the further progress of the Catholic religion in the same." Hereupon, no further action was taken by the Propaganda.

discharge of his sacred ministry. Father Souël, missionary among the Yazoo, was shot by the tribesmen in December. A few days later, the missionary of the Wabash,<sup>3</sup> Father D'Outreleau, wounded by Yazoo bullets as he stood at the altar, reached the flying skiff of the French, dressed as he was in priestly vestments, and carrying in his hand the chalice and paten. On Palm Sunday, March 25, 1736, Father Sénat of Kaskaskia, chaplain of the French in an expedition against the Chickasaws, was tortured by these Indians and died at the stake, with a party of French soldiers.<sup>4</sup> While these shed their blood, Father Du Jaunay utilized his leisure moments in composing a French-Ottawa dictionary. It is said that at Arbre Croche, in the peninsula of Michigan, he installed a printing press imported from France about 1740: and that he printed in the Ottawa language a Bible for the use of schools, as well as flying sheets of different kinds.<sup>5</sup>

Missionaries  
slain by the  
Indians.

After the Jesuits had been carried off from Louisiana under orders from the French Gallican parliament, the Abbé de l'Isledieu, vicar-general of the North American French colonies, reported from Paris (February 20, 1764) how the Indian missions then stood. His information on the Mississippi valley southwards was not at all as ample as that which he possessed on the northern and eastern Atlantic missions. For all Louisiana, from New Orleans to the distance of 1200 leagues northwards, he reckoned the French population as numbering 12,000 souls. At 500 leagues distance from the Gulf of Mexico, he mentioned "a principal post, named the Illinois, which is subdivided into many other small posts; all together being inhabited by 1200 or 1500 families, of which the Jesuits had charge, as also of the savages." There was one mission of secular priests, who had always been few in number. "As regards the savages of the Mississippi, they are very much more numerous than all the savage nations of Acadia; since there are four or five times as many; but there are much fewer Christians than among those [*the north-eastern Indians of Acadia, etc.*], whose places we have just described, all of whom are Christians, and are deeply attached to religion and to their missionaries."<sup>6</sup>

Native popu-  
lation of the  
Mississippi  
valley.

<sup>3</sup> At that time, the Ohio, below the confluence, took the name of its affluent, the Wabash.

<sup>4</sup> Rochemonteix, *xviii*\*, i., 354-356, 366, 382.—Thwaites, *lxviii*. 176-178, on D'Outreleau; *Ibid.*, 308-310, on Sénat.

<sup>5</sup> Rochemonteix, *xviii*\*, ii. 54, 55.

<sup>6</sup> Prop., *Congr. partic., America*, 187, ff. 18, 26; February 20, 1764.—The report extends from f. 13 to f. 42, and is concerned with the situation created by the cession

§ 149. Northwards from the settlement of Quebec amid the docile Algonquins, Lake Nekouba in the interior of Lower Canada had been reached by Fathers Dablon and Druillettes in 1660. This was far to the north-west of Lake St. John, as may be seen on our map. At no great distance from Nekouba, a settled mission under the patronage of St. Francis Xavier had its seat by Lake St. Peter.<sup>1</sup>

The St.  
Lawrence  
and Hudson  
Bay district.

Towards the Atlantic beyond the river Saguenay, Father Bailloquet plunged in among the Montagnais Indians, the Papina-chois, Betsiamites, Esquimaux, and other Indian tribes. To reach Hudson Bay and nations farther in the interior was the object of divers missionaries; and Father Albanel accomplished the feat, but not without paying the price of two years' captivity among the English traders (1670-1676). The Englishmen were already reaching the same objective point by sea. Tadoussac was the central station for the Montagnais missionaries, who ranged from the Hudson Bay region to the Mingan islands on the Labrador coast in the Gulf of St. Lawrence.

The docile and impressionable Indians of these parts presented not the same difficulties of immorality and superstition, which retarded the work of the Gospel in the direction of the great lakes and on the banks of the Mississippi. Charlevoix makes an observation, which has the widest application in the evangelization and

of Canada to England.—Lisledieu says that he had been vicar-general for the territory during 84 years.

At this epoch, and before the Jesuit missionaries were removed in 1768, new powers were hovering over the Mississippi populations. The English of the southern Atlantic colonies were in contact with the Chickasaws, Choctaws and other tribes, who became less susceptible of Christian influences. Somewhat more to the north, an enterprising person of Philadelphia propounded in 1755 a "Scheme for a new colony to the west of Pennsylvania." It was to begin 100 miles west of that colony and extend to 100 miles west of the Mississippi. He claimed that he had over 4000 settlers already enrolled. Wherever the confines of Pennsylvania may have been supposed to lie in those days, and whatever was the English military prestige, which the utter rout of General Braddock in this very same year seemed rather to discredit, the ambition of the speculator to take over from the French and Indians a 700-mile stretch of their territory was large-minded, even if he had 4000 settlers ready and hungry for the land. But what interests us is the religious spirit of the enterprise. His project contained this element: "No member of the Church of Rome shall be able to hold any lands or real estate in the province, nor be allowed to be the owner of or have any arms or ammunition in their possession on any pretense whatsoever; nor shall any Mass house or Popish chapel be allowed in the province." (*Researches*, vii., 48.)

<sup>1</sup> Catalogue for 1691: "*Miss. S. Xav. ad lacum S. Petri.*"—Compare the English translation of Charlevoix's *Voyage to Canada*, London, 1768, frontispiece map; where the residence of St. Peter's Lake is marked "French House."—In Thwaites, lrv. p. 44, Lac St. Pierre or Chobmouchoine appears with residence and chapel, marked "*L'Ange Gardien.*"—Of. also Rochemonteix, *op. cit.*, lli. at end, Father Laure's map, 1781; where the "*Nouvel établissement Dorval*" shows that the traders had followed the Fathers.—See our map, frontispiece.

renovation of the world. Speaking of Father Bailloquet (1660), he says that the Father "found everywhere savages, who, to become good Christians, needed nothing more than to be instructed."<sup>2</sup> Faith comes by hearing; and preaching is the first duty of the priest.

Still, to keep the Christian life in a state of vitality, mere reunions at the mission stations were far from sufficient. It was necessary to follow the tribes on their return from the gatherings; and race over the snow, scramble with snow-shoes over the mountains, overtake the savages long after nightfall, and then find repose during some odd moments in a miserable refuge open all round to the gusts and snows of the night. Hunger was often unrelieved during three, four or five days, when the hunt happened to bring in nothing. Meanwhile every opportunity was taken to instruct the infidels, to give the Sacraments, to tend the sick, "the number of whom," said Mgr. de Saint-Vallier, "is sometimes so great that one is almost crushed by the burden, the body without nourishment being almost unable to keep itself erect." Father de Cr  pieul described the extremity to which he was reduced among these northern Indian settlements. Hunger, thirst, pains in his legs, teeth and eyes, had brought him so low, that, while he had not strength enough to say Mass or to recite his breviary, he had still to drain the little vitality which remained, in dragging himself from cabin to cabin for the assistance of the dying.

To account for this patience in a life of humiliation, and for such endurance under protracted suffering, De Cr  pieul explained that there were four wings with which the missionary in the Montagnais supported his flight. These were "grace, <sup>Supernatural motives of missionary life.</sup> the love, the fear of God, zeal for souls." Every one of the missionaries who affected this life of self-effacement, and pined for it if restored to conditions more tolerable, had his own maxims of self-devotedness; but all expressed the same fundamental principles of Christian devotion. Thus Father de Carheil, who worked in the direction of Michilimackinac, and fought to the uttermost against the abuses of the liquor trade, expressed his duties in five articles: "Servant of God for the sake of God; servant of every body for God; servant of no one against God; servant of God against every one; servant of God against oneself."

Against the movements of men like these, the liquor traders manoeuvred in various ways. The governor, Count de Frontenac, defended himself, or the liquor, or the Indians, by requiring that

<sup>2</sup> Rochemonteix, *xxix*, ii. 369, note.

such men should not move without passports from him. But with the views of speculators in *eau de vie*, like Frontenac and Cadillac, moderns looking back have not been sympathetic. The biographer of the Moravian, David Zeisberger, who gives the palm of missionary zeal to his hero over the New Englander Eliot, accords to the Jesuits of the seventeenth century the meed of praise, that "the Church of Rome, through that Order which had been organized to crush out Protestantism from the Old World, became the herald of the Gospel in the New." On occasion of the Quebec tercentenary, the Canadian Methodist ministers addressing the Lieutenant-Governor Jetté, said of the early Jesuit missionaries: "In them we have a rich inheritance of Christian devotedness. We recall the glorious motto of these men, '*Ad maiorem Dei gloriam*,' and we unitedly honour their passionate charity and their enthusiastic love for the souls of men." In relation to the discovery of the Mississippi a recent speaker at Chicago has said: "Marquette and his compeers travelled on snow-shoes when they did not go barefoot; they lived on moss when they could not luxuriously feast on pounded maize; they lived in bark huts when fortunate enough to sleep indoors; and they died of hunger and exposure when they were not murdered by the Indians. The missions therefore existed without great revenues, and the most they asked of their friends at home was prayers for the souls they had come to save. Nor let us fail to conceive the phenomenal nobleness of these Frenchmen, because they were heroes and martyrs in the name of a Church that may not be ours, and which expresses itself in ways we may not prefer."

The tenacious memory of the Indians themselves, sixty years after the Jesuits had been deported from the Mississippi valley, did justice to the salient traits of what they had witnessed in the missionaries of the past. A report to the Propaganda from America in 1821 says of the tribes evangelized in former times by the Fathers: "They have a great veneration for the Black Robes (so do they call the Jesuits). They tell how the Black Robes slept on the ground, exposed themselves to every privation, did not ask for money." When a Protestant comes to convert them, the savages have not a little to say, concluding: "Go ye and learn; do as the Black Robes did; then we shall believe what you say."<sup>8</sup>

<sup>8</sup> Rochemonteix, *xviii*, ii. 368-375; iii. 411-426, 497, 498.—E. de Schweinitz, *Life and Times of David Zeisberger*, pp. iv., 108.—*Woodstock Letters*, xxxvii. (1908), 406, on the Quebec tercentenary.—*Researches*, xix. (1902), 143, F. MacVeagh, Chicago Hist. Soc., on the Jesuit missions.—Georgetown College *Transcr.*, May 1,

§ 150. Eastward lay what was called in general the Abenaki mission. With its centre about the river Kennebec, it had three stations, at Pentagoet, Norridgewock and Medoctec, serving the countries of the Abenakis, Etchemins, and Sokokis or Connecticuts. Father Biard had visited the Abenakis in 1612. Druillettes and other Jesuits had tended them at different times between 1650 and 1660. In 1675, refugees from the tribe settled at Sillery near Quebec; and, increasing in number, gave occasion for the foundation of a new reduction, that of St. Francis de Sales on the Chaudière, where, in 1689, the Christian population of Abenaki Indians amounted to six hundred. Then, about 1694, the local mission of Pentagoet was founded by Father Bigot, while that of Norridgewock was established by Father Sebastian Rasle.

This nation of the Abenakis was unique among the Indian tribes in being entirely Christian and Catholic. We have the daily life of the missionary at Norridgewock described by Father Rasle. Twice a day every one of his neophytes, Routine of life among the Abenakis. some 300 or 400 in number, was present at divine service—in the morning to hear Mass, during which they recited prayers or sang hymns, in the evening at sundown to join in the night prayers. Besides preaching on Sundays and feasts, the missionary gave a short instruction on week days. After Mass, he taught catechism to the young, many of the elderly people remaining to listen. During the rest of the morning persons came to confer with him on all kinds of matters. In the afternoon he visited the sick and those who had need of particular instruction. When a council was held he had always to attend as a chief counsellor.

The occupations of the men in the Abenaki nation were the chase, war and fishing. The women had their domestic employments at home, which the missionary describes. The boys were no sooner able to walk than they began to draw the bow, and at the age of ten or twelve they could kill a bird on the wing. Indian corn was the chief article of cultivation. On hunting or fishing expeditions, the braves were accompanied by the missionary. They built a chapel of bark as a general rendezvous; and there the religious exercises were performed with the same regularity as at home. In this nation the spiritual and civil culture was quite on a level with that of the reductions near Quebec or Montreal. The missionary was the universal man,—priest, friend, counsellor, doctor.

1821, report on the U.S. missions; Prop., *Scrith. rif.* (1821-2), 7, *America*.—Cf. Thwaites, lrv. 42-48, for Crépéul's description of missionary life among the Montagnais (1697). He was twenty-eight years among the Algonquin tribes.

At the beginning, this Acadian country had been within the district attended by the Franciscans<sup>1</sup> of Port-Royal, but was too remote for effective operations. Then, in 1662, a report was made by the Jesuits to the Propaganda, and it was stated that in Acadia thirty barbarians had been baptized. A year later, Mgr. Laval, Bishop of Quebec, submitted to the same Congregation a relation, in which he treated of "The Church among the Upper Algonquins, or towards the west";<sup>2</sup> his view, however, comprised the whole Indian country, east and south of Quebec. The former work of the Capuchins was mentioned, as also the gradual occupation by the English of sea-posts at Pentagoet and St. John's River. The process of evangelization took in Miscou, Miramichi and Cape Breton Island in the Gulf of St. Lawrence; the districts on the rivers St. John, Kennebec, Merrimac and Connecticut; also Long Island ("Long Elen"), and the backlands of New Netherland, "at the river Manahatten." The Indian tribes mentioned seem to be those of the Housatonic (Stockbridge), Mohicans, or else Mohegans, and others. It is noteworthy that the bishop mentioned New Plymouth and the town of Providence, to fix the locality of certain tribes just then newly evangelized, or about to be so—probably indicating that the English settlements did not make themselves felt beyond the strip of sea-line.

He reported the numbers of men or families in the nations, for whom new missions had been or were being formed. He mentioned a mission on the river Merrimac for 400 families of three nations, called the "Passagotianoüet; another for 900 families of the "Hasemettouan" tribe, near New Plymouth; a third, "at the town of Provedens, or Porcellana,"<sup>3</sup> for the "Narraghanses," 20,000 souls in six towns; a fourth at the island Pecot [Pequot?] about ten leagues from the Narragansetts, for 1000 families of aborigines called "Moreghani"; a fifth at the river Sokoüeki (Connecticut), fifteen leagues from the island Pecot, for 800 families.

What Laval said of the backlands in New Netherland seems to designate the Schakkook (Scaticook) Indians on the east side of Hudson River, near Hoosac River, Rensselaer Co., N.Y. Some

<sup>1</sup> Recollects. Laval in his report speaks several times of Capuchins.

<sup>2</sup> The Ottawas, etc., near the great lakes, were known as the Upper Algonquins; the Montagnais, north and north-west down the St. Lawrence, as the Lower Algonquins.

<sup>3</sup> "*Ad oppidum Provedens vel Porcellanae* [Portsmouth?]."

<sup>4</sup> "*In sex oppidis.*"

twelve years after the date of this report, the Schakkooks received a number of refugees from New England, driven out in the course of King Philip's war (1675).<sup>5</sup> These appear subsequently in our pages as Catholic Indians, addressed at one time by Bellomont, then at a later date removing to Canada.<sup>6</sup> Laval's passage runs thus: "In New Belgium two new missions. 1. At the River Manahatten about 30 leagues from the river Sokouëki [*Connecticut*]. This is amongst the Mahiganic natives, and numbers 600 families. 2. Near Manahatten, in the island called Long-Elen [*Long Island*]. This is among the Apemenagatoue natives, and numbers 1000 families."

Just one hundred years after this report of the first Bishop of Quebec, the Abbé de l'Isledieu, vicar-general of the French colonies in North America, submitted to Roman authorities (February 20, 1764) a detailed account of the missions and parishes, as existing at the moment. Before passing to Louisiana in the terms which we quoted before, he said of the Catholic Indians: "All the savage missions mentioned here, as well as those of Acadia, the river St. John, Miramichi and Richtigouch, as those of the Islands Royale [*Cape Breton*] and St. John amount to nearly 6000, 3 to 400 persons." This number did not include any of the 2000 and more Christian savages, domiciled about the St. Lawrence, from Quebec to Montreal.<sup>7</sup> "And the French," he went on to say, speaking of them in the past tense, "as well those of Acadia, and the river St. John, as of the Islands Royale and St. John, were about 25,000 French inhabitants, all strongly attached to their religion, and extremely devoted and obedient to their missionaries." The Indian missions which had been served by Jesuits were those of the river St. John among the Etchemins or Malecites, and of Pentagoet among the Kanibas (Abenakis). Miramichi and Richtigouch among the Micmacs were attended by Recollect missionaries. The occupation of the Acadian country by the English in 1755 gave occasion for the building of new churches and presbyteries by both French and Indian refugees at points more northern, outside of the invaders' reach.<sup>8</sup>

<sup>5</sup> Smithsonian, *Ethnology*, bulletin 80, ii. 486, s.v. "Scaticook" (Socchitooke).

<sup>6</sup> *Infra*, pp. 888, 892, 898.

<sup>7</sup> Lisleidieu reckons the total population of Canada and Louisiana, from Cape Breton to New Orleans, all French dependencies included, as being, "at the commencement of the last war [about 1754]," more than 120,000 souls, not comprising savages.

<sup>8</sup> Rochemonteix, *xviii*, iii. 221-229, 436-445; cf. *Ibid.*, i. 1, map.—Prop., *Acta*, February 28, 1662.—*Ibid.*, *America*, 8, *Canada*, 256, ff. 37-40, Laval, "7 *Kal. Nov.*," 1663, on the Algonquin missions; cf. G. S. O. *Transcr.*, under date.—*Ibid.*, *Congr. partic.*, *America*, 187, ff. 15<sup>v</sup>, 25<sup>v</sup>, 26, Lisleidieu's report, April 9, 1764.—At the date of



§ 151. At this point in the account of the eastern missions, we are offered the entertainment of an episode, literary and historical.

In the report just quoted, Bishop Laval used the phrase :  
**French and English on the Iroquois.** "The Turk of these Churches"; and, good Christian though he was, he contemplated with equanimity the proximate demise of this Turk, by the operations of truculent war. If only "the Turk" were cut to pieces, he regarded a certain territory as a promising field for expanding the Indian missions. This territory was that of New England itself: "*In Nova Anglia*"! Laval designated with precision the locality which he meant—the Narragansett Indians, as well as the vicinity of New Plymouth and of Providence. Just after he had spoken of an "ancient mission" at the river Kennebec he proceeded to the heading: "Many missions new, or to be begun at once, as soon as the Turk of these Churches shall have been slain—I mean the Iroquois."<sup>1</sup>

This was in 1663. Some twelve years earlier, the Jesuit Gabriel Druillettes, who signed himself as "priest teaching in Kennebec," had treated with John Winthrop of Connecticut, and other colonial authorities, on the subject of exterminating the Iroquois. A long account of his negotiations, submitted to Winthrop, was closed by the Jesuit with these words: "Here you have it all in full. At least this favourable disposition of these three colonies is enough to ground a hope that permission will be granted the volunteers who will undertake to deliver the blow; or, at least, that letters of commendation will be given for the province of Maryland, which consists entirely of English Catholics, situated near enough to the Iroquois."<sup>2</sup>

Here it is plain that both the bishop and the Jesuit found the anti-Christian pest in the Five Nations, who certainly had no savoury reputation, and deserved none. These warriors had destroyed the churches of the Hurons in the west. It was feared that now they would do the same with the projected organization in the east. But the forecast was mistaken. Whatever the Iroquois had been in the beginning, they were not "the Turk of the Churches" at the end. On the contrary, it was against their express opinion on

Lisledieu's report, that is nine years after Governor Lawrence's dispersion of the French Acadians, an estimate of the inhabitants in Nova Scotia, made by Hon. Alexander Grant, has the items: "French Acadians, still in the province, about 2600"; "Indians, about 70 fighting men" (*Mass. Hist. Soc. Coll.*, 1st series, x., 82). —Thwaites, lxxvii. 84-92, Rasle's account of his daily life.

<sup>1</sup> *Loc. cit.*, f. 89v.

<sup>2</sup> Thwaites, xxxvi. 110.—Druillettes was envoy of the Canadian governor. The three colonies referred to were Massachusetts, New Plymouth, and Connecticut; New Haven also being favourable to the plan.

the equity of the political situation that the Abenakis of the east were assailed, and their churches destroyed, with the consequence that Father Sebastian Rasle was killed. The Iroquois admonished the commissioners, who came from Boston to meet them, that the peace prevailing at the time required the Boston people to fulfil the equitable conditions of peace; and on such terms the eastern Indians would be content.<sup>3</sup>

As to the Reformed Protestant Dutch of New Netherland, no one ever ascribed to them an aggressive spirit, either ecclesiastical or political. At most, in Church affairs, they stood on the defence against Jesuits and Lutheran Protestants. In affairs political, they do not seem to have eyed the Iroquois country as a prospective possession reaching to the lakes of Canada; although such a conception was fathered on them at a later date by the Duke of York's counsellors, to provide a paternity for the Duke's own aspirations in that direction. Their possessions were strictly a river fringe on the Hudson; and there appears no trace of an ideal expansion to the north, or south, or the Japanese Sea. Still they did sell guns, powder and shot to the Five Nations for skins; and it is possible that, being Reformed Protestants, they looked askance, but with no positive detestation, at the eventual use which the Iroquois would make of such powerful weapons, to the damage of some Catholic peoples, Huron or French.

The Dutch were traders at Fort Orange; and were content to stay there, as well as at New Amsterdam, if only they were left alone; and if no English royal duke came to make an Albany of the one, and a New York of the other. They were neighbourly to the French; and not unfriendly to the Jesuits. They did many a good turn to the missionaries; and disinterestedly so. Their ministers of the Gospel were as peaceable as the rest. They do not seem to have been breaking crucifixes, or teaching Christian Indians to do so, after the manner of the "Apostle Eliot" in the vicinity of Boston.<sup>4</sup> If these Dutch ministers were less famous than the apostle of Boston, receiving none of the plaudits which gave posthumous glory, that was no bar to their being modest while they lived, moderate in their words and works, and candid.

<sup>3</sup> *Infra*, p. 272.

<sup>4</sup> *Researches*, xiii. 46; (1653). "In the vicinity of Boston," that is, where Lowell now stands.

Thus, as examples of modesty and candour, we may cite the Rev. ministers Megapolensis and Drisius, who wrote to the Classis at Amsterdam that there was no question of converting "heathens or Indians here," except the one whom they had been happy enough to convert; who had stayed with them at New Amsterdam two full years, could read and write Dutch, and answer the prayers in church; but then took to "drinking of brandy; he pawned the Bible, and became a real beast, who is doing more harm than good among the Indians."<sup>5</sup> As these reverend gentlemen were strictly conservative, looking no farther afield than their own Dutch settlements, the apparition of a Jesuit dropping in amongst them from the interior of the continent produced a disturbing effect. Father Le Moynes came down from the Mohawk country, and told of a salt spring, an oil spring, and a sulphurous spring. With pious reserve, Megapolensis said to his superiors in Amsterdam that he doubted whether all this might not be "a mere Jesuit lie."<sup>6</sup> Such domestic conservatism, which would scarcely raise a ripple in the consciences of Indians, much less pull down the churches of Christians, was well illustrated in the correspondence between the Classis at Amsterdam and Domine Selyns at New York. The latter had lost his wife. The Classis tenderly hoped that he might get another. Eleven months later, Selyns replied with the exclamation: "May the Lord be praised for ever!" He had got one, "not only well endowed with worldly goods," said he, "but still more endowed with spiritual graces."<sup>7</sup> Though this close circle of domestic felicity imposed limitations on apostolic zeal, there was not wanting the proper instinct to run into the breach, when danger became threatening and near. In the same letter of the Classis expressing its tender sympathy with Selyns, the "Reverend, Pious and Learned Sirs" delivered themselves thus: "We rejoice that Rev. Dellijs has resolved to be a light-bearer both in doctrine and life to the church of New Albany, in warning his church against the Papacy and its abominations."<sup>8</sup>

Like their ministers, so were the lay people of the Dutch settlements. They were perfectly innocuous in the matter of assailing churches. They were more than charitable in relieving the distress of Jesuits. The authorities of Fort Orange came to the assistance of Fathers Jogues and Bressani. Arent Van Corlaer and a Protestant companion went out

The Dutch  
laity and the  
Jesuits.

<sup>5</sup> O'Callaghan, iii. 108; Amsterdam in N. Netherland, August 5, 1657.

<sup>6</sup> *Researches*, xxii. (1905) 134; September 24, 1658.

<sup>7</sup> *Ibid.*, p. 157; 1687, 1688.

<sup>8</sup> *Ibid.*, November 18, 1687.

of their way to intercede with the Mohawks for the life of Father Jogues. Le Moyne on his side obtained for the Dutch colonial government certain rights of trade on the St. Lawrence, with two reservations. One regarded Indian trade in Canada; the other, any public exercise of their religion—a limitation nowise galling; for the Dutch themselves, being Reformed Protestants, were just then restraining other Protestants, who were not Reformed but Lutherans, from the public exercise of their religion in New Netherland.<sup>9</sup>

At a critical moment in the war between Canada and the Iroquois, General De Tracy accepted deferentially the intervention of the Dutch commissioners in favour of the savages. He sent Father Beschefer to Fort Orange with a commission, which, no doubt, the Albany people appreciated: "That the Iroquois, naturally distrustful," said the General, "may feel safe (as they certainly are), when they perceive that the said Father will serve them as an escort on their return."<sup>10</sup> A solitary Jesuit was pledge enough for the Dutch, and escort enough for Iroquois braves. Father Pierron wrote letters to Surgeon Haims at the same town of Orange, asking him to become "father and procurator" of the Jesuit missionaries among the Iroquois; as also to Madame Corlaer, condoling with her on the loss of her husband.<sup>11</sup> The answer to these two letters was given in a courteous reply by Colonel Nicolls, English royal commissioner. Among the agreeable things which he said, Nicolls remarked: "To a person of your profession and meritt I should at any time willingly accept an enterview, without entring into discourse of politique affaires."<sup>12</sup>

Clearly, in the times of New Netherland, we do not find among the Dutch population any "Turk of the Churches."

But, with regard to the English colonies, such times came as made it a duty for history to explain the psychological process, by which Jesuits, missions, churches, became objects of awe and destructive hatred to English sentiment. George Bancroft essayed to give the explanation; and he did it with that ability, or *curiosa felicitas*, which, while explaining, did also exhibit the psychological process evolving. He gave a graphic description of the massacre by Indians at Haverhill, in 1708. Throughout the whole occurrence, as he narrated it, neither in the preparation nor in the execution had he a word about Jesuit

Bancroft's  
view of the  
English and  
the churches.

<sup>9</sup> *Researches*, xxii. (1905), 185.

<sup>10</sup> Brodhead, iii. 180; Quebec, July 14, 1666.

<sup>11</sup> P. R. O., *Col. Papers*, 21, Nos. 104, 105; Tionnontogen, September 19, 1667.

<sup>12</sup> Brodhead, iii. 165; Albany, October 10, 1667.

missionaries or any priests. From these vacant premises in his pages he drew forth a heavily laden conclusion—forgetting the while his previous description of a massacre by whites, when, only two English soldiers falling, "about six hundred Indians, men, women, and children, perished."<sup>13</sup> He used now these express terms: "But enough of these heart-rending tales! Such fruitless cruelties inspired our fathers with a deep hatred of the French missionaries." He drew out another conclusion; that these cruelties "gave birth also to a willingness to exterminate the natives." Then he threw out a final observation which, like many a postscript, betrayed the motive why all the rest had been written; the English forefathers, said he, promised the "encouragement of fifty pounds per scalp" of an Indian."<sup>14</sup>

This redundancy of inferences, which filial piety extracted from premises so scant, really veiled a number of relevant circumstances which the same piety just then scrupled to recall. The French Jesuits who, according to Bancroft, became the object of hatred to the English forefathers, because of cruelties inflicted by American Indians somewhere about 1708, had already been made the subject of New England and New York legislation eight years before (1700), not because of any hatred betwixt Indian and white, or massacres of one by the other, but because of the tender love which the whites bore towards the Iroquois. Lord Bellomont had offered more than one hundred dollars for the head of each and every Jesuit who was perverting the Five Nations by preaching the Gospel to them.<sup>15</sup> Sixty years before (1647), Massachusetts had enacted a law of deportation and death against any Jesuit found within the hallowed precincts of that government.<sup>16</sup> As to the genesis of hatred for the Indians, and of that sentiment, which Bancroft said was born about 1708—"a willingness to exterminate the natives"—the Rev. Cotton Mather had published, some six years before the Haverhill disaster, a great folio volume, entitled *Magnalia Christi Americana*, wherein the magnificence of Christ's Church in America was described for the period 1620-1692, ending long before the Haverhill affair. Now, in book the eighth, Mather recounted the "Remarkables of a Long War with Indian Salvages," among which, observes Field, "are narratives of massacres of whites by Indians aided by the devil, and massacres of the Indians

<sup>13</sup> Bancroft, i. 399-401, extermination of the Pequods, 1637.

<sup>14</sup> *Ibid.*, iii. 216, 217 (15th edit.).

<sup>15</sup> *Infra*, p. 391.

<sup>16</sup> *Supra*, pp. 109, 110.

by the whites aided by the Lord; of captivities of whites among the Indians and of their restoration to liberty, but no account of the release of the wretched Pequods and Wampanoags sold [*by the whites*] into slavery in the West Indies."<sup>17</sup>

From all this it appears that massacres at Deerfield or Haverhill in the eighteenth century did not give birth, as Bancroft asserted, either to the "deep hatred of the French missionaries," or to the "willingness to exterminate the natives"; seeing that such good will and such deep hate, with effective execution in both directions, had been in full play for so many decades of years before. And the whole of that historian's explanation, divested of its anachronisms, left only one positive by-product, which was not subject to dispute, that the English forefathers offered the "encouragement of fifty pounds per scalp" of an Indian.

§ 152. We come now to the actual destruction of churches in that region of which Laval was speaking, when he mentioned the "Turk of the Churches." In fact, around the whole horizon, the only sacred edifices within reach were those of the eastern countries in Acadia, north of Massachusetts.

The only churches  
assailable,  
1724. Acadia.

In September, 1724, commissioners from Massachusetts convened at Albany, with Governor Burnet of New York, and the sachems of the Six Iroquois Nations. The gentlemen pleaded with these western tribes that "the Government of Massachusetts Bay have suffered" repeated injuries from the eastern tribes; and they made it clear, by many persuasive arguments, that the Iroquois should go now and do the fighting for the injured commonwealth. This was the old policy from Dongan's and Bellomont's time; or, as that lord elegantly delivered himself, it was "using the devill to destroy the devill."<sup>1</sup> Massachusetts, which had swept its own territory and borders well-nigh clean of Indians, made it a subject of complaint and murmuring, that the sister colony of New York, so rich in Iroquois, did not induce these warriors to come out and fight, to cut off and be cut off, and so protect the commonwealth's borders.<sup>2</sup> Indeed, New York itself became a little extravagant in the use of its own prerogative; as when Lieutenant-Governor Clarke invited the Iroquois to go and fight for England against Spain. He was snubbed with a blunt

<sup>17</sup> Field, T. W., p. 266.—Cf. *J. Hopkins Univ. Studies*, 11th ser., ix.-x. 9-11, B. O. Steiner, "History of Slavery in Conn."

<sup>1</sup> P. R. O., 569, Bellomont, Boston, September 9, 1799, to Bd. Tr. Cf. *infra*, p. 401.

<sup>2</sup> Brodhead, v. 42, 43; May 31, 1708.

refusal. "I have no desire as yet to die," replied the orator; "I am not a man to cross seas. Therefore, I do not accept, absolutely, your hatchet."<sup>3</sup>

Now the Boston commissioners were pleading. The Iroquois replied with their usual discernment. They said: There is peace

**Iroquois opinion on the eastern Indian question.** at present between the English and French Crowns. If the Boston people want quiet on the side of the French eastern Indians, let them but comply with the two conditions propounded by the injured natives; first, that the

land which has been expropriated be restored; secondly, that the captives in the hands of Massachusetts be delivered. "From that," they continued, "we think the matter respecting peace seemed to lye with you; and, in as much as there is peace between the two Crowns of England and France, that this matter of peace lieth with you. All mankind is not without thinking; and our thoughts are that the delivering up the captives (meaning the hostages) is the likeliest way for peace."<sup>4</sup> This answer of the Iroquois braves was as unexpected and disconcerting as it was sensible. For, only five weeks previously, the same Governor Burnet who sat there had written complacently to the Lords of Trade, that the Five Nations solemnly promised at Albany to use effective measures with the eastern Indians, and make them come to a peace with Boston.<sup>5</sup>

**Action of Massachusetts. Death of Father Rasle.** As an alternative for peace, on the equitable terms offered by the hostile eastern, and commended by the friendly western tribes, the Massachusetts Government preferred to raid the French Indians, in spite of the peace subsisting between the Crowns. It destroyed two missions with the churches; and killed Father Sebastian Rasle.

This first part of the history being recorded in red characters of blood, it had next to be written in black, for fear of complications between England and France. That was easily done.

**Explanations offered.** Lieutenant-Governor William Dummer wrote from Boston to the Lords of Trade, sketching the line of defence to be taken with the French Court. He said that Rasle, "a Jesuit missionary to that tribe, and the great incendiary of this war," had been "slain in fight, making actual resistance to the forces; at the same time attempting to kill an English captive in his hands, and refusing to give or take quarter; to which account of the said Ralle

<sup>3</sup> Brodhead, ix. 1062; August, 1740.

<sup>4</sup> *Ibid.*, v., 724; September 16, 1724.

<sup>5</sup> *Ibid.*, 710; August 9, 1724.

Col. Harman, the commander of the forces at Norridgewock, made solemn oath before me in council, as appears to your Lordships by the minutes of council, transmitted to you by the secretary of the province." Dummer contributed other items about Father Rasle; who, said he, "marching at the head of 200 armed savages thro' one of the frontier towns of this province before the war was declared, threatened destruction to them if they did not speedily quit the said town; of which, and much more to this purpose, his Excellency Governor Shute is well knowing. This I thought proper to hint to your Lordships, in order to obviate any complaints that may be made by the French governor."<sup>6</sup>

The Lords of Trade, drawing up a report for the Lords Justices, entered their objection to any interposition of the French Court in the Abenaki war. They alleged in general "many proofs" that the French of Canada had instigated the Indians. They mentioned the name of Rasle. But they passed over in silence Dummer's "hint" and story, as also the affidavit of Rasle's murderer, and the inner consciousness of Governor Shute "well knowing."<sup>7</sup>

<sup>6</sup> P. R. O., 568, f. 186<sup>v</sup>; March 81, 1725.

<sup>7</sup> *Ibid.*, f. 189<sup>v</sup>; October 8, 1725.—Shute's knowledge upon matters of fact or law was not exactly of the kind to quote. He wrote to Vaudreuil, affirming "that Norridgewack, the seat of his [*Rasle's*] mission, is within the territory of his Majesty King George; and that it is contrary to an act of Parliament of Great Britain, and a law of this province, for a Jesuit or Romish priest to preach or even reside in any part of the British dominions" (*Ibid.*, *Mass.*, 5, f. 171; April 28, 1722). The facts alleged about the Indian country being English, the act of Parliament banning Jesuits and Romish priests from all parts of the British dominions, and some imperial law of Massachusetts doing the same, were possibly registered somewhere in the inner consciousness of Shute "well knowing." Jeremiah Dummer, the Massachusetts agent in London, was a little less vague and wary, but somewhat more precise, when, in a petition to the Lords Justices, he expressed himself in these terms: "That the said province has been under a necessity of taking up arms to reduce the Indian tribes, situated on their frontiers, to their allegiance to his Majesty" (*Ibid.*, f. 151). The Abenaki Indians were notoriously French; and the Lords of Trade said to the Lords Justices, in the document just quoted, that by the 11th article of the Treaty of Neutrality between the English and French in 1686, "it is covenanted and agreed, that the governors, officers and subjects of either king, shall not in any wise molest or disturb the subjects of the other, in settling their respective colonies, or in their commerce and navigation." Four years after Rasle's death, the Lords of Trade themselves, while approving of Colonel Dunbar's proposal to settle a colony called "Georgia" in the Abenaki country with Palatines and Irish Protestants of New England, left in doubt the question, whether King George had any right to the country. They reported: Let Dunbar settle "such of his Majesty's subjects as are willing to become planters in Nova Scotia, between the rivers of Penobscot and St. Croix; and, whenever his Majesty's title shall be made out, as we hope it may, to the lands between Penobscot and Kennebeck, that they may likewise be settled by grants from the Crown" (P. R. O., 602, f. 159<sup>v</sup>; report of Bd. Tr., December 4, 1729).—The question turned upon the rights acquired under the old Sir W. Alexander's patent, those reverting to the Crown, and those again alternately possessed by French and English. All these issues left the Indian titles to their own lands quite intact.

As to Col. Harman's "solemn oath," and the rate of valuation at which an oath was anciently held in the colonies, we need not repeat what has appeared elsewhere. See *History*, I. 115; II. p. 171, note 4.



Certainly, the priest's position as councillor even in the national matters of peace and war, not to mention Rasle's own decision of character, placed his writings and himself in a dubious light. Thus, in 1703, Vaudreuil had reported Rasle as writing that "the Abenakis would take up the hatchet, whenever he [Rasle] pleased."<sup>8</sup> The universality of the missionary's attributions in tribal affairs seems to have made him a minister, not only of peace, but of war, and that, in Rasle's case, at a moment when the counsels of the Abenakis were divided, one party inclining, or at least yielding to the English interest.<sup>9</sup>

The dark story of Father Sebastian Rasle, written in the blackest characters, became a text for all New England history. Some one, indeed, ventured timidly and anonymously to rehabilitate the memory of the missionary, even in the pages of the *Massachusetts Historical Society Collections*.<sup>10</sup> But the old story of New England, having penetrated into old England, reappears again, furbished and improved. Doyle, as late as 1907, tells from Hutchinson, Penhallow, and others, the tale of "the militant French priest missionary," Sebastian Rasle; and, as to the character of the Christianity in these Indian communities, he finds that "the Indian convert to Romanism was a recruit, bought at a price; and that price was unlimited opportunity for killing and torturing heretics."<sup>11</sup> This contribution to

Part of the apparatus for the diplomatic equipment of the Lords of Trade was an Indian proclamation, "found upon the church door at Norridgewack, and in the handwriting of Father Ralle the Jesuit" (P. R. O., *Mass.* 5, f. 179). The style of the proclamation is not in evidence, for naturally it comes up as "translated from the French," which seems to be a euphemism for some other origin not designated. For the matter of it, if ascribed to Rasle as author, we must relegate the document to the same category as the Papal bulls, "imbulled at Rome," and noted in another place. See *History*, I. 96, 97.

<sup>8</sup> Brodhead, ix. 756; November 14, 1703, to Pontchartrain.

<sup>9</sup> Compare the intercepted letters of Governor Vaudreuil and the Intendant Bagon, Quebec, September 25, June 14, 1721, to Rasle (P. R. O., *Mass.*, 5, ff. 172-174).

<sup>10</sup> Second series, viii. 250-257 (2nd edit., 1896).

<sup>11</sup> Doyle, *The Colonies under the House of Hanover* (1907), p. 848. The title of the chapter is "The Colonists and the Inferior Races." The assumption here of an essential and indefectible white aristocracy is not out of keeping with the historical assumptions throughout.—Doyle's qualifications for a colonial historian are commended by one, who shows a similar competency when touching on the Jesuits. F. C. Montague, Astor Professor of History in University College, London, who finds "the Jesuits and other religious Orders equally devoted and unscrupulous," feels no scruple in paying Doyle the tribute of devotion due from a Fellow of Oriol to a Fellow of All Souls, Oxford: "The best history of the English colonies in the new world during this period is J. A. Doyle's 'History of the English in America' (five volumes, 1882-1907)." (Montague, *The History of England, from the Accession of James I. to the Restoration*, 1603-1660, pp. 89, 492.)

Doyle's truculent eye which saw the Indian Romanist "recruit" killing heretics was that of a foreigner. A native's was more benign. Referring to Hennepin's account, Ebenezer Hazard wrote (1780): "'The kindness and flatteries' of the French made them [the Indians] Roman Catholics; and with a pot of cider Dr. Johnson of New York converted some to Churchmen" (*Mass. Hist. Soc. Coll.*, 5th series, ii. 46).

history had an antecedent in the documents, of which the author was probably not aware. A New Hampshire address to the king, signed by Lord Bellomont, S. Penhallow, speaker, and others, had it expressly, that the eastern Indians' "bloody nature and perfidy have been much aggravated and improv'd of late years by Popish emissaries from France; who have taught 'em, that breaking faith with and murdering us is the sure way to paradise."<sup>13</sup>

So far the history of Rasle had been written in red, when the raiders, profaning everything sacred, killed the Jesuit missionary, broke his skull in several places, filled his mouth and eyes with dirt, smashed his limbs, mutilated all his members, and, of course, scalped him.<sup>13</sup> And on the presentation of Rasle's scalp, the council of Massachusetts in solemn session, August 22, 1724, paid Captain Johnson Harman "one hundred pounds for his service in the destruction of the said Sebastian Ralle."<sup>14</sup> The history had also been written in black, when his memory was treated in precisely the same way as

<sup>13</sup> P. R. O., 572, f. 82. In this address, the N. H. legislature thanked the king for having united under the government of Bellomont the colonies of N.Y., Mass. and N.H.; "inasmuch," said they, "as it is the likeliest way to subdue or exterminate these eastern Indians that infest us, to ingage the Five Nations of Indians in the province of New Yorke (who have always been a terror to 'em) to make war upon them."

A modern military man in America has taken the dogma of heretic-slaughtering as so evident, that he lifts up his hands in admiration at the magnanimity of Arent Van Corlaer and companion in rescuing the Jesuit missionaries from the Mohawks; for, as General J. G. Wilson proceeds to say, the missionaries "were members of that Church, which, as Motley has told us, caused so many thousands of their [Dutch] countrymen to be buried and burned alive, as well as slaughtered, in their long and stoutly contested war for independence" (*N.Y. Independent*, October 3, 1895, p. 1818, "Corlaer and his Journal of 1684"). Bancroft has used the same grim fact, to contrast with it the spirit of toleration in America. "Under Charles V., in the Netherlands alone," he says, "the number of those who were hanged, beheaded, buried alive, or burned, for religious opinion, was 50,000, says Father Paul [Sarpi]; the whole carnage amounted, says Grotius, to not less than 100,000." See *History*, I. 98. Lecky gloated over similar tales, but eschewed the Netherland business (*Lecky, England*, i. 386-398). Long before all these moderns, Gibbon had put this Netherland tragedy on the stage, in his *Decline and Fall of the Roman Empire*; but he was somewhat sceptical about the veracity of Grotius and of the apostate friar; and, in that one point, he left the decline and fall of historical integrity to the unhappy generations which were to follow (Gibbon, ch. 16, at the end). The fact is, that the Protestant Martyrologies, all told, yield 233 executions in the Netherlands under Charles V.; and 648, under Philip II.; a grand total of 977 in 79 years; of whom 7 died naturally, and 202 in some manner not specified. (Of. F. Van der Haegen, *Bulletin de l'Académie Royale des Sciences . . . de Belgique*, 3<sup>me</sup> sér., xviii. 556-566; 1889.) If Macaulay's statement is correct, that "72,000 persons suffered death by the hands of the executioner in the reign of Henry VIII.," as many Englishmen were despatched every two days, as the Protestant Martyrologies record for the Netherlands in a year (Macaulay, *Essay*, "Southey's Colloquies on Society," near the end).

<sup>13</sup> Rochemonteix, *avis*, iii. 468.

<sup>14</sup> *Researches*, xix. 12, 18; from *The New England Courant*, August 24, 1724.—This reward was given to Harman and his company, "pursuant to a resolve of the General Assembly," July 18, 1720. At the same time £405 were given to the same Harman for 27 Indian scalps brought, and £20 for four Indian prisoners—likewise pursuant to a previous act. Cf. *infra*, p. 410.

his person had been, by the emissaries of Barbary. Tardily, it has come to be narrated in white, and even in gold. Bancroft wrote sympathetically of the missionary, using the Jesuit Relations.<sup>15</sup> But the Rev. W. I. Kip thought fit to add a philosophical reflection on the Jesuit missions in general. "Look over the world," he wrote, "and read the history of the Jesuit missions. After one or two generations, they have always come to naught. There is not a recorded instance of their permanency, or their spreading each generation wider and deeper, like our own [*Protestant*] missions in India. Thus it has been in China, Japan, South America, and our own land."<sup>16</sup>

The kindly Mr. Kip had forgotten, not only the Suppression of the Society of Jesus, but "the Turk of the Churches." If on the same Acadian ground, which he traversed in historical retrospect with Father Rasle, he had looked ahead some thirty years beyond Rasle's time, he would have seen, in 1755, not a couple of Indian chapels levelled to the ground, but the churches and presbyteries of 25,000 French Catholics swept away, and 9000 of the inhabitants scattered like dust over the continent—"bigotted Papists," wrote Governor Dinwiddie of Virginia, expressing great disgust; "turbulent" people, wrote Governor Lyttelton of South Carolina, as he handcuffed and fettered them; to be driven off the coast, wrote Governor Belcher of New Jersey, and actually driven off from Georgia, and, other colonies; "distributed" as navvies by Governor Hardy of New York; and as indented servants by Governor Shirley in Massachusetts; starved and frozen as paupers in Pennsylvania; and peremptorily inhibited in Maryland from receiving the charity of their fellow-Catholics. Secretary Fox showed how many branches of the imperial administration were at one in the campaign; for he severely reminded Dinwiddie that Admirals Boscawen and Mostyn had lent their

The Acadian sequel, 1755, to the Rasle incident.

<sup>15</sup> Bancroft, iii. 887.—*Of. Researches*, xiv. 108-705; J. Williamson, *Maine Hist. Soc.*, "A Memorial to Father Rasle,"—*Rochemonteix, xviii*, iii. 468-469.

<sup>16</sup> Kip, *The Early Jesuit Missions in N.A.*, p. xliii.—At the end of 1918, the *Westminster Gazette* has a letter from Hilliard Atteridge who, using the *China Year Book*, says: "In China, the Roman Catholic missionaries [*comprising 206 Jesuit priests for 1918*] have now a million and three-quarters of converts, including at one end of the scale men of the lettered class, at the other the aboriginal tribesmen of the Yunnan hill country and the nomads of the Mongolian steppe. If we take the official returns of the Anglican missions, and add to them a score of other Protestant bodies, we have a total for the heralds of a vaguer Gospel; and this amounts in all to 824,000 adherents, of whom only 167,000 are claimed as baptized Christians (see *China Year Book*). The grand total is less than that of the Catholics in the single province of Chi-li." This writer is criticizing the Kikuyu doctrine of preaching no definite Christian faith, but shaking hands with dissidents all round. As to South America, we may presume that the 628 Jesuit missionary priests (1918) are not idle. And, with respect to Japan, the new Jesuit university of Tokyo seems to show something more than what Kip despatched as everything "coming to naught."

countenance and presence to the Acadian exploit of deporting the population, and that, in England, his Majesty's countenance and charity were not to be counted on for receiving any of these, "his Majesty's subjects." It was a rehearsal, on a very grand scale, of the anti-Popish crusade against Louisburg, when one of George Whitfield's Methodist preachers enlisted, and carried a hatchet on his shoulder, to demolish "the idols of the Popish churches."<sup>17</sup>

But enough of this episode, which Laval's "Turk of the Churches" introduced, which Bancroft's light fencing has adorned, and which, with prophetic insight and dramatic brevity, Roger Williams had draughted in the middle of the seventeenth century, as if he meant to characterize the whole of the eighteenth: "The Protestants or the Turks," he said, "the two great enemies (the sword-fish and the thrasher) against the Popish Leviathan."<sup>18</sup>

<sup>17</sup> *Rec. and Studies*, ii. 428; from Palfrey's *History of New England*, p. 155. *Researches*, ix. 45.

<sup>18</sup> *Mass. Hist. Soc. Col.*, 3rd series, x. 40: Williams, "Providence, 8, 7. 60 (so calld)," to J. Winthrop.

On the Acadian population (see *supra*, § 124) an unsolicited present from Lawrence of Nova Scotia to the other colonial governors, who, thinking he had some imperial authority for his performance, just did not dare to fling it back in his face, compare P. R. O., *From Governors in America*, 70, Gov. Morris, Pa., November 24, 1755, to Assembly. *Ibid.*, Lt.-Gov. Dinwiddie, Va., November 24, 1755, to Sir T. Robinson: he has refused Acadians the free exercise of their religion. *Ibid.*, same to same, December 24, 1755: discontent at presence of "bigotted Papists." *Ibid.*, Dinwiddie, May 10, 1756, to Secretary Fox, with enclosures; on his shipping 1049 Acadians in four vessels to England. *Ibid.*, same to same, May 24, 1756; on his driving off from the coast 50 Acadians, shipped off by Gov. Glen of S.C.—*Ibid.*, *To Governors in America*, 75, H. Fox, August 14, 1756, to Dinwiddie: severe reprimand for burdening Great Britain with Acadians, who "cannot be considered as prisoners, but as his Majesty's subjects"; and Dinwiddie shows besides that he knew of the Nova Scotia council "having been assisted by the Admirals Boscawen and Mostyn," in scattering the Acadian population.—*Ibid.*, 70, Dinwiddie, November 9, 1756, to Fox: an humble apology; the clamours of Virginia against "bigotted Papists."—*Ibid.*, 75, Fox, March 10, 1756, to Gov. Lyttelton (at Plymouth): severe stricture on Gov. Glen's conduct in transporting two Acadians from S.C. to England.—*Ibid.*, 70, Gov. Lyttelton, Charlestown, S.C., June 16, 1756, to Fox: his obedience to instructions; 1027 Acadians had come to S.C., besides those from Ga. who were driven off the coast; 109 had died; 273 got rid of; only 171 men among the 645 remaining. *Ibid.*, same to same, August 5, 1756; on his "distributing" the Acadians, binding them out in "different parishes and districts"; the force used "to bind some of them with cords and to handcuff and fetter others"; "originally very unwellcome guests"; their Roman Catholick religion not tolerated by his Majesty's Instructions, nor "by a particular municipal law of the Province."—*Ibid.*, 565, *Mass.*, General Shirley, Boston, September 4, 1756, to Fox; on 90 Acadians, sent off from Acadia, from Ga., from S.C., from N.Y., now taken in by Shirley, "to be distributed in the country towns." *Ibid.*, petition of W. Bollan, agent for Mass. to the king: 1000 Acadians in conditions unsanitary thrown on Mass. direct from N.S.; Catholics obnoxious to Mass.; "obstinacy" of parents in refusing to have their children torn from them; a law passed by Mass. authorizing the violent abduction of the children; resistance of the Acadians; their destitution, most being "elderly persons and young children"; the grievance of Mass. that has to spend "two shillings sterling per week" upon each.—*Hazard, Pa. Archives*, ii. 514, Gov. J. Belcher, Elizabeth Town, N.J., November 25, 1755, to Gov. Morris, Pa.: he will "crush an attempt" to land any Acadians in N.J. *Ibid.*, 581, Gov. Dinwiddie, Williamsburg, Va.,

§ 153. Having viewed the whole horizon of the Indian missions, west, south, north, and east, we can approach the great centre of disturbance, the Iroquois nations which lay between the French and English dominions. For their rank in civilization and their political organization, they were not unworthy of the notoriety which they acquired; and their warlike prowess signalized them among all the Indian tribes. On the score of gentleness and urbanity they did not rank high. The Jesuit missionaries gave the first place in this respect to the Miamis; in

Natural  
qualities of  
the Indians.

February 21, 1756, to Gov. Morris, on 1140 Acadians in Va. *Ibid.*, iii. 112, 113, Gov. Denny, Pa., April 9, 1757, on the law, January 13, for binding out the Acadians. *Ibid.*, 92, 93, W. Griffiths (Pa.), January 22, 1757, to R. Peters; a sympathetic letter on the Acadians, who are in danger of perishing for want of fuel; their necessities. —Brodhead, vii. 125, Gov. Hardy, September 5, 1756, to Bd. Tr.; on 78 Acadians, sent off from N.S., Ga., S.C., stopped by Hardy on coast of N.Y.; "distributed" now in far-off parts of the province; the children bound out to strangers.—Rowland, i. 27, C. Carroll, sen., July 26, 1756, to C. Carroll, jun.: the Md. Government has done nothing whatever for 900 and odd Acadians; and Catholics of Md. not allowed by the government to lodge any of the poor wanderers with them; Carroll's own offer rejected by the authorities.—Scharf, i. 477, note 1; order of Md. council that justices should prohibit Catholics from lodging the Acadians. See *infra*, p. 549.

In all this storm of hatred, cruelty, and avarice, the only breath of human kindness is that of the Quaker, W. Griffiths, as just noted. The Board of Trade itself, while hand and glove with Lawrence, threw out one chance remark not in keeping with the rest: "persons," they said of the Acadians, "exasperated as they must have been by the treatment they had met with." (Akins, p. 304; March 10, 1757, to Lawrence.)

One salving palliation that has been offered is rather peculiar. The *Cambridge Modern History* makes the following statements: "Some 8000 Acadians of all ages and both sexes were forcibly embarked and distributed, with all the regard for family ties possible in the circumstances, among the Atlantic colonies. It was a lamentable eviction, and the ultimate lot of its victims was anything but happy. It is a poor consolation to know, that those who found their way to Quebec met with less consideration and kindness than those who were cast upon the charity of the Puritans of New England, and the Anglicans of the South." (*Camb. Mod. History*, vii.; *The United States*, chap. iv., "The Conquest of Canada," by A. G. Bradley, Trinity College, Cambridge, p. 123.) We cannot divine what the writer is referring to in this last statement; for, as usual, there are no references, nor is there any further regard for documentary evidence than is possible in the circumstances of such loose opining, as is called "Modern History." But in the archives we note two matters, one contradicting the essayist, the other giving some sort of colour to what he says, so far at least as the passage of it through a lively imagination could make that possible. First, in Col. Burton's report, 1762, on the province of Three Rivers, there are registered "45 families of Acadians, huddled in different places of this Government," evidently free and independent, not treated as navvies and brutes, nor meeting, as the Cambridge writer asserts, "with less consideration and kindness" than in the English colonies. (P. R. O., 97, Burton, April, 1762, enclosure, No. 2; forwarded in Amherst's, No. 20.) Secondly, three years earlier, when Quebec had been taken, Governor Lawrence informed his council at Halifax, that 200 Acadians had come down the river St. John with certificates from Captain Cramahé, Deputy Judge Advocate at Quebec, stating that they had taken the oath of allegiance to his Britannic Majesty; and they had accordingly received a pass from Brigadier Monckton authorizing them to return. Governor Lawrence and his council ordered these 200 British subjects to be apprehended, and transported to Halifax in vessels hired for the purpose, and kept as prisoners of war until they could be sent to England. (Akins, pp. 309, 310; November 30, 1759.) Possibly, this particular felony of Lawrence and his company is what went through the imagination of the Cambridge modern historian, and came out, transformed as above.

comparison with whom the Mascoutens or Illinois Fire nation were little better than gross peasants; while the same Fire Indians took the lead of Algonquin, Huron and Iroquois tribes.<sup>1</sup>

William Penn, writing from Philadelphia in 1683, put on record the impressions which he had received. "The natives," he wrote, "are proper and shapely, very swift; their language lofty. They speak little, but fervently and with elegance. I have never seen more natural sagacity, considering them [*to be*] without the help—I was going to say the spoyle—of tradition. The worst is that they are the wors for the Christians who have propagated their views, and yeilded them traditions for the worse and not for the better things. They believe a Deity and immortality without the help of metaphisicks; and some of them admirably sober; though the Dutch and Sweed and English have by brandy and rum almost debauched them all. . . . In this I admire them; nobody shall want what another has.<sup>2</sup> Yett they have propriety [*property*], but freely communicable. They want or care for little; no bills of exchange, nor bills of lading, no chancery suits, nor Exchequer account have they to perplex themselves with."<sup>3</sup>

We infer from this passage of Penn that, besides disparaging the Swede, Dutch, and English influence on the natives, he did not desiderate for them the fine art of reading, nor the spectacles of the English language through which to peruse the things of man, nature and God. Their ears were open, their memory tenacious; and their eloquence showed the working of an intellect acute and consecutive. When it came to a trial of strength in the exercise of these estimable faculties, the natives, and particularly the Iroquois, were more than a match for people, with whom spelling and reading had debilitated memory, blunted reason, and stunted eloquence. After one hundred years of contact with the English of New York, the Iroquois nations were characterized by Governor Tryon as having "no record but the memory, and no idea of figures or mensuration"; yet, "however uncivilized, there are no people more cautious or deliberate in business than the Five Nations."<sup>4</sup>

<sup>1</sup> Rochemonteix, *xviii*, iii. 15, note 5.

<sup>2</sup> An equivalent observation was made of the Venezuelan Indians by Fra Caravantes; who added that illiberality was opprobrious, and that thefts or robberies were unknown. (Prop., *America*, 1<sup>o</sup>, 258, f. 41; May 3, 1667.)—However, it is largely affluence and comfort which inbreed closeness and avarice, and like the leech never say, Enough, in keeping or in getting. Simplicity and poverty are sympathetic and generous; and, with Christians, are full of confidence in divine providence.

<sup>3</sup> Hazard, i. 69, W. Penn, Phila., 30th, 5 mo., 1683, to H. Sewall.

<sup>4</sup> Brodhead, viii. 373, 374, Tryon, June 2, 1773, to Dartmouth.—In the interval between Penn's time and Tryon's, a well-known author afforded a singular

On July 2, 1653, Father Simon le Moyne started on a journey from Quebec to the Onondaga nation of Iroquois. Accompanied by a young French Canadian, whom he took up at Montreal, he ascended the St. Lawrence, crossed Lake Ontario, and arrived at the principal Onondaga village. He was not altogether unknown; for Huron Christians and captive women had told their masters so much of the Jesuits, and of the Christian faith, that, as he said, a fire had been lighted, which had melted the hearts of the Iroquois. If on his voyage amid lonely forests and islands solemnly still in the rippling waters his mind had been exalted with the splendours of nature, as yet unmarred by civilized industry, he found not a little to admire in savage man himself, not yet spoiled by a certain kind of civilization.

A great council of the Iroquois nations was held. The Father delivered nineteen "words" to them; that is, nineteen messages. Each message he put on record, by winding up the respective part of his speech with a present of wampum, an elk hide, a hatchet, glass beads, or the like, to which in the tenacious memory of the natives the relative section of his discourse remained affixed. Speaking to the different nations, to the tribes, and families, each by name, as well as to great individuals of note, all properly addressed, he enlarged upon the subjects of his embassy. He cut the bonds of Indian prisoners in Canada; he returned thanks for a Canadian prisoner saved from the scaffold; he healed the wound of the Senecas in particular, who had lost some warriors; he strengthened their palisades against the Cat nation; he ornamented their faces for battle, wiped away tears, opened the door of Canada to all the Five Nations, and exhorted them to learn the truths of the Christian faith. At the close of every section in the Father's oration, and on the delivery of every present, the warriors cheered with a deep sound from the depths of their lungs. Le Moyne says:

specimen of how far reason and memory can be debilitated by the artificial acquisitions of what is called civilization. Edward Gibbon endeavoured to substantiate a thesis that, without the help of artificial letters, "the nobler faculties of the mind, no longer supplied with models or materials, gradually forget their powers; the judgment becomes feeble and lethargic; the imagination languid or irregular." He imagined that he was proving all this by contrasting an "illiterate peasant" with a "man of learning," not in natural conditions, but in the factitious civilization of artificial needs and deficiencies (*Decline and Fall*, 1. ch. 9, on the Germans). By such a process of reasoning, which left out the natural state of society, this man of book-learning was proving less than he wanted, and showing more than he wot of. Socrates justly ridiculed the page of dead letters which cannot help themselves; and substituted for the living book of nature, or the living word of man, have nothing to help them. The running in of text-books runs out half of education; and the paper-mill of examinations grinds out most of the rest. Then follows the drink-habit of reading which drowns the capacity to think.

"I was full two hours making my whole speech, talking like a chief, and walking about like an actor on a stage, as is their custom." It is probable that, when once possessed of the Indian language in perfection, the Fathers with their talents and culture contributed beauties of eloquence, novel to the native mind.

Here followed two hours of consultation among the Indians by themselves; and the points of the Black Robe's speech were distributed among three orators of the nations. Then, <sup>Reply of the</sup> calling him among them, they seated Le Moyne in a <sup>nations.</sup> place of honour, and they began their replies, resuming with fidelity the substance of all the Father's messages. They inaugurated the tourney of eloquence by singing; while they bade the missionary pray to God on his side, "which I did," says Le Moyne, "very willingly." One of the orators, the Onondaga chief, said: "Listen, Ondessonk; five entire nations speak to thee by my mouth. My breast contains the sentiments of the Iroquois nations; and my tongue responds faithfully to my breast. Thou wilt tell Onontio [*the Governor of Canada*] four things, the sum of all our councils." He said: "We are willing to acknowledge Him of whom thou hast spoken, who is the master of our lives—who is unknown to us." He conjured the Father to select a suitable place for a settlement; "fix yourself in the heart of the country, since you ought to possess our hearts. There we shall go for instruction; and from that point you can spread yourself abroad in every direction. Be unto us careful as fathers; and we shall be unto you submissive as children." Onondaga was to be the seat of negotiations between Iroquois and the French. Now that they were entering into new wars, they would cherish no thought but that of peace towards Canada.

The Father obtained from them two precious relics; one the New Testament of Father De Brébeuf, whom they had so cruelly put to death five years before; the other a small book of devotion used by Father Garnier whom they had killed four years earlier. Then, three days after the great council, ensued the solemnity of leave-taking, with speeches. In the name of Achiendassé, the Canadian superior of the Jesuits, Le Moyne fixed the post on which the missionaries' cabin was to rest. He threw down a piece of the bark which was to cover the cabin. Replying, three chiefs thanked him publicly, "in speeches," says he, "which one could not be persuaded issued from the lips of men called savages."<sup>5</sup>

Thus was laid the foundation in 1654 of the first Iroquois

<sup>5</sup> O'Callaghan, i. 33-42.—Thwaites, xli. 90-120. Cf. *infra*, p. 337.



mission, lasting till 1658. Father Chaumonot, an Indian orator more accomplished than even Le Moyne, and a musician besides, established a residence at Onondaga with Father Dablon. **Four years' work among the Iroquois.** Ragueneau and Du Peron came to reinforce them. Ménard baptized in one Iroquois centre 499 persons. Ragueneau speaks of more than five hundred children and a number of adults, "most of whom died after baptism."<sup>6</sup> Canadian French arrived, and erected a post on the Oswego in the Iroquois country. But the Mohawks made an inroad into the colony of Quebec, killed Brother Liégeois at Sillery, and wounded mortally Father Garreau on the Ottawa. The whole establishment of some fifty Frenchmen in the Iroquois country escaped by a stratagem from the jaws of death; and the first Jesuit mission among the Iroquois was abandoned in 1658.<sup>7</sup>

§ 154. Seven years later (1665), ambassadors of the cantons besought the Jesuits to return and re-establish themselves among the Five Nations. The missionaries did so. In three years this second mission had five central stations. Six Fathers **Missionary industry and talents.** evangelized the country from Lac Saint-Sacrement (Lake George) to Lake Erie. These were Pierron, Frémin, De Carheil, Bruyas, Garnier, and Milet. The last-named Father devised a method of instruction by means of belts, charts and a mirror. Pierron was a painter; and, finding that many savages shut their ears resolutely to the word of God, he delivered the same word indirectly, by addressing their eyes in a series of pictures, which showed hell, heaven, angels, devils, etc. If barbarians would not listen, they were made to read in spite of themselves, and to their own great delight. We do not find, however, that the Jesuits went so far as to purvey books for them or impose a foreign language. If savages were entertained and instructed by means of pictures unrolling, such a rudimentary stage of culture was not inferior to what later generations will record with indulgence of our dissolving views and cinematography.

It was in the course of his Iroquois ministry that Father John Pierron made an excursion through the English colonies down to Maryland (1674), and offered, as we have seen before, to establish for the English Fathers a mission among the savages, with whose language

<sup>6</sup> O'Callaghan, *loc. cit.*, 49.

<sup>7</sup> *Ibid.*, 44-55.—Rochemonteix, *xviii*, ii. 140-154.—Thwaites, *xliv*. 148-160.

he was familiar.<sup>1</sup> The fact that both Hurons and Susquehannahs were of the Iroquois family, and that the Wyandot or Huron language was predominant,<sup>2</sup> will explain the competency of the Fathers in dealing with the nations, and the readiness of Father Pierron to assail the Indian world from the south.

Father Frémin, the local superior, a man not distinguished by intellectual gifts or acquired accomplishments, but endowed with eminent good sense, perseverance, piety and courage, exercised a fruitful ministry. During the whole course of his thirty-five years among Indians in divers parts, he baptized as many as 10,000. Bruyas became a well-known character in English quarters. His Indian oratory was rehearsed by Iroquois, when in conference at Albany with Lord Bellomont. Other Jesuits entered the field. The two Lambervilles and Vaillant de Gueslis appear conspicuously in English negotiations and despatches.

In the midst of a people, any one of whom might take the law into his own hands, and fly into a fit of madness, or glut a passion of hatred with immediate execution, these missionaries moved about, carrying their lives in their hands. At the central stations they held their services on Sundays and feast days; then on week days they traversed the country round about, with bell in hand, calling the savages to some cabin for instruction; and, when the catechism was finished, they sought out the sick and children in the wigwams.<sup>3</sup> All the while, the missionary's chapel and cabin might be attacked at any moment, and levelled to the ground; he himself brained with a tomahawk. This was a matter of small moment. The men came to work and die, thinking that nothing which earth could give was equal to a death which gave them heaven. At a time when neither the stake nor the bullet was despatching them, we find that, whereas the number of Jesuits in the census of Canada was sixteen for 1719, and twenty-four for 1720,<sup>4</sup> no fewer than seventeen missionaries had died during the period of fifteen years just elapsed; and four had returned to France with their health completely broken.<sup>5</sup> This might seem to ground an

Consumption  
of missionary  
forces.

<sup>1</sup> *Supra*, p. 127.

<sup>2</sup> Smithsonian, *Ethnology*, bulletin 30, i. 657; ii. 584. In the map thereunto appended (Part 1): "Linguistic Families of American Indians, North of Mexico," the Iroquoian family comprises both sides of the St. Lawrence, the countries round the two lakes, Ontario and Erie, all New York and Pennsylvania, down to the Chesapeake in Maryland.

<sup>3</sup> Cf. Campbell, *Pioneer Priests of N. America*, *passim*.

<sup>4</sup> Brodhead, ix. 896, 898.

<sup>5</sup> Rochemonteix, *xviii*, i. 134, 135. Cf. *supra*, p. 77.

inference that fifteen years of such a missionary life sufficed to extinguish the whole missionary corps.

We are aware that in the eighteenth century a famous author, who wrote to amuse a generation like himself, made rather light of Jesuit efforts in foreign missions. Voltaire opined that the Order, being very shrewd at its business, knew how to gauge its subjects; those who had fine qualities and a bright wit were reserved for the court, for great pulpits, and higher education; while those, whom nature had treated like a step-mother, allotting them but limited talents and only piety, were sent to the missions, there to be fried, roasted and martyred, for the profit and greater glory of the Order. Somewhat later, even in the nineteenth century when people were a little more serious, M. Michelet refurbished for the respectable auditory of the *Revue des Deux-Mondes* Voltaire's pasquinade, applying it to the missionaries of Canada. That very agreeable abode, he said, was a convenient outlet through which the Order could rid itself of "holy *idiots*," or members who had compromised themselves somehow in the European scene of action.<sup>6</sup> But we are also aware of Cardinal Richelieu's discomfiture on this very same issue of choosing men for Canada. With that eminent statesman the Jesuit court preacher, Nicholas Caussin, fell into disgrace; and the Cardinal took steps to have superiors send the distinguished preacher to America. But he was answered, they could not do so; because they sent only their best men to Canada.

The most gifted men had need of all their wit and ingenuity to extract some yield of Christianity from a barren ground. The difficulties did not lie in the hunt or war-path of savages. There was nothing in these incompatible with Christianity. When a set of missionaries very different from the Jesuits came to practise round the fringes of heathendom, General Sir William Johnson treated this matter with perfect justice. He explained to the British Government that, besides the splendour of the Catholic worship, the French, in treating with the Indians, had improved that advantage by "a still more material one, in the choice they made of men of spirit, abilities, and a knowledge of the world; who lived amongst them, became masters of their language, acquired a thorough knowledge of their manners and disposition, and at length obtained a vast influence, which they improved to such advantage (without attempting to alter established forms of no ill consequence, or to wean them from hunting, in which

Sir W. Johnson on the Jesuits.

<sup>6</sup> Carayon, *Le P. Pierre Chaumonot*, pp. vii.-ix.

they are usefully employed for the public) as to convince us, from a view of some tribes under their particular care,<sup>7</sup> that the duties of religion are not incompatible with those of a warrior or hunter; and that they need not cease to be the latter in order to become to all appearance better Christians than numbers of their white neighbours." The General went on to criticize the contrary system of "well-meaning but gloomy people amongst us," who would take away from the natives "their most innocent customs, dances and rejoicings at marriages, etc.," as well as their hunting itself; would intrude among them with families to teach them agriculture; and then, in the final distribution of assets, would leave the Indians in "distresses, poverty and rags," while the Indian lands should have passed into the possession of the whites.<sup>8</sup>

Sir William Johnson, when he wrote this, had seen the Catholic Iroquois and other tribes of the Canadian reductions in all the pride of their warfare. More than that! When hostilities were at their height between the French and the English, a great congress at Montreal showed a complete reversal of the situation, as between the English residue of the Five Iroquois Nations at that time, 1756, and the "domiciled" tribes in French Canada. Those very people who had once fled before the terrible confederacy of the Iroquois nations now addressed the forty deputies of the same confederacy "menacingly and haughtily." An Algonquin chief said: "We, who were the first in the world that beheld the light of the sun and our Father's [*the French Governor's*] look; we, the first children of this land, we warn you, for this last time, that we strike whomsoever does our Father harm. Remember this word; there's a belt to prevent you forgetting it." A Nepissing chief spoke with fury, and chanted his war-song. An Ottawa chief presented a belt to the Five Nations, saying: "We notify you for the last time to be faithful to the speech you have just solemnly delivered. If you falsify it, we will make a sacrifice of you." A Pottawatomie spoke more mildly: "Brethren, do not have sweet lips and a bitter heart, for we should be sorry to cease regarding you as brethren." In answer to all this, the Cayuga orator, speaking for the Five Nations, returned thanks to the French Governor, the Marquis de Vaudreuil.<sup>9</sup> At this very same time, the miserable residue of Stockbridge Indians domesticated in New England were

<sup>7</sup> Alluding apparently to the reductions in Canada.

<sup>8</sup> Brodhead, vii. 969, 970; September 22, 1767.

<sup>9</sup> *Ibid.*, x. 553, 560, 561; November, 1756.

merely pitiable objects in rags. And in 1772 an Oneida chief gave the political results of all the Christianity received in New York: "We are derided by our brethren, on account of our Christian profession. Time was, when we were esteemed as honourable and important in the confederacy as any others; but now we are looked upon as small things, or rather nothing at all."<sup>10</sup>

Thus for the Catholic missionaries no special difficulty was created by the Indian's profession of warrior or hunter. The main obstacles were those common in all tribes: the superstition of dreams, the influence of the medicine-men, and polygamy. Besides, being in contact with traders English and Dutch, the Iroquois naturally associated with Christianity the morals of men who bore its name. Hence came the consequence that the life of a catechumen, who had to practise the Christian virtues, was no object of ambition with men in the heyday of life. Yet without the good will and effort to practise moral virtue there could be no baptism. On their deathbed savages might be baptized. Children, too, so many of whom died young, received the grace of the Sacrament.<sup>11</sup>

<sup>10</sup> *Mass. Hist. Soc. Coll.*, 1st series, v. 19, note.

<sup>11</sup> Rochemonteix, *xviii*, li. 408-418.—On Pierron's picture series, *Ibid.*, 416, note 1; 406, 406.—On the long probation of the catechuminate, *Ibid.*, 416, note 2.—Thwaites, li. 80, and *seqq.*, Relations on the second Iroquois mission.

## CHAPTER XIII

### BRITISH PROPAGATION SOCIETIES

§ 155. Three standards of missionary success. § 156. (1) Appropriation of Catholic Praying Indians: 1691–1701. § 157. (2) The Bible for the Indians. § 158. The fate of Bible Christianity: 1753–1795. § 159. (3) Societies: The Anglo-American: 1649. § 160. The societies: English, 1701; Scots, 1709; American, 1762. § 161. Record of the Anglo-American and Scots societies. § 162. Record of the English society. § 163. (i.) The Anglican bishopric question: 1701–1764. § 164. American prohibition of bishoprics: 1750–1770. § 165. (ii.) State of the Indian mission question: (1702–1763). § 166. (iii.) Stories, true and otherwise. Secker and others: 1762–1764. § 167. Forgotten antecedents. Alternative policy of scalping. § 168. The civil power. Missionary assets: 1762–1767.

**Manuscript Sources:** (London), British Museum MSS., *Stowe*, 119.—Lambeth Palace MSS., 941, 1123.—Public Record Office, *America and West Indies*; *Colonial Papers*; *Entry-Books*; *Patent Rolls*.—Sion College, Bray's MSS.—Stonyhurst MSS., A. iv. 13, 3.

**Published Sources:** (Hughes), *Documents*, I. Part i. of this series, *History S.J.*—Brodhead, *Documents*, iii., iv., vi.–ix.—*Cambridge Modern History*, vii.—Chauncy, *Sermon*, August 31, 1762.—Cross, *Anglican Episcopate*.—Douglass, *Summary*, i.—Field, T. W., *Indian Bibliography*.—Hawks, *Contributions to Ecclesiastical History U.S.*, ii.—Hazard, *Pennsylvania Archives*, iii., iv.—Johnson, S., *Candid Examination*.—Lecky, *History of England*, iii.—*Massachusetts Historical Society Collections*, 1st series, i., x.; 2nd, i.; 5th, iv.—Mayhew, E., *Indian Converts*.—Mayhew, J., *Observations*.—Morse, *Annals*.—Perry, *Maryland; Pennsylvania*.—Plummer, *Church of England*.—Public Record Office, *Calendars*, A. & W.I., v.—*Records*, vi.—*Researches*, x., xv., xxvi.—Secker, *Answer*.

WITH writers of history, the missionary operations of the Jesuits have not escaped an invidious comparison. The contrast between what was effected by priests and the parallel operations conducted by Protestant societies has been forced on their notice by objective facts; to which some factors, less objective, have attached interpretations. Leaving aside subjective preconceptions, except so far as

persons have spontaneously chosen to profess them, we throw this chapter into the middle of Jesuit missionary progress as an historical interlude, on the subject of the entire Protestant propaganda.

On the same ground as the Jesuits had occupied in the cantons of New York; among the same people, the nations of Iroquois; with annual aids to a degree of temporal affluence unknown in Jesuit missions, and for a length of time far beyond the Jesuit term of operations among those people—three Societies for the Propagation of the Gospel, English, Scotch, and American, worked, or were presumed to be working, during three quarters of a century. They had the support of an anxious civil government. The lines of missionary enterprise projected on their limited chart showed no deficiency of intelligence. The deficiency of results was such as they themselves portrayed.

These elements, which make up a composite drama, are here exhibited in order. They will probably satisfy the exigencies of historians, who have thought fit to make the comparison between Catholic and Protestant operations.

§ 155. The accounts of the missionaries are precise on the point which we touched last, that baptism was conferred chiefly on children and the dying. The great mass of adults were not accessible to the practice of Christian virtue, and to regeneration by baptism. A remedy for this state of things had to be provided; and a familiar one was at hand. It was that of forming reductions, in which Indians should still be Indians; perhaps become systematic and industrious; but, above all, be segregated from blighting influences, chiefly of the whites around. Among these influences was that exercised by the trade in rum; of which Sir William Johnson said, "neither capacity, or knowledge of the Indians, or their language, is necessary for the sale of it."<sup>1</sup> The meanest of men, he said, were encouraged by the profits. And the meanest of men with a keg of rum was pretty much of a match for the most accomplished Jesuit, with his Indian oratory and his divine Sacraments. An adage has it, there is no creature so contemptible but he can do you a bad turn.

Thus we drift into the great development of Indian domiciled life on the banks of the St. Lawrence, where the choicest part of the Iroquois nation came to be settled with other tribes, in the practice of Christian virtue, economic industry, and social self-government;

<sup>1</sup> Hazard, iv. 876.

while, as hunters and warriors, they retained the adornments native to the splendid children of the woods.

But, for the moment, we pause to note what a recent author has put down in a volume of the *Cambridge Modern History*. Speaking of this French missionary work, the writer says: "The Jesuits were satisfied with what the English deemed slight tokens of success; for they counted baptism as tantamount to conversion." If not for any intrinsic merit in this loose essay, still for the relevance of the idea so expressed about baptism, we consider the statement worthy of being weighed. We do not mean to imply that the writer showed any knowledge of what baptism is.<sup>2</sup>

A substitute suggested for Jesuit methods.

According to this conception then, the life of a catechumen, slowly graduating with the practice of Christian virtue into that of a Christian regenerated by baptism, afforded but a slight token of missionary success. The English exacted much more. Here curiosity is excited to know what the English standard might possibly have been; or what a Cambridge standard would have substituted for catechumenate, baptism, and Christianity. The writer is chary of the information, and leaves us in the dark. But the documentary sources throw floods of light upon the subject. Nothing could be plainer than the contrast between the Jesuit

<sup>2</sup> *Camb. Mod. Hist.*, vii. ch. 8, "The French in America," p. 100, by Miss Mary Bateson, lecturer in history in Newnham College.—This conceit, that the missionaries did merely baptize, had been anticipated under another form by the Jansenists of those times, that the Jesuits did even baptize; on the principle, *Compelle intrare*, forcing them to come in. (Paris, *Arch. Nat.*, K., 1282, 1, pp. 52, 53, a set of stories ostensibly from the mouth of La Salle; 1678.)

But the Cambridge writer's conceit really implies that baptism was some formality of no consequence,—a mere ticket of admission into Christian society, or a religious club. This idea is a retrograde step beyond that of Gibbon, who, sneering at Christianity, still left Christian baptism in its character of a Sacrament, purifying, regenerating, and requiring a perfect conversion of heart. At the same time, that sceptic was parodying the preparatory stage of the catechumenate, which he represented as a last chance for a fling at vice. He said of catechumens: "By the delay of their baptism, they could venture freely to indulge their passions in the enjoyments of this world, while they still retained in their own hands the means of a sure and absolute and easy absolution [*by receiving baptism at last*]." Here Gibbon was besmirching the catechumenate of Constantine the Great. However, having been a Catholic himself, and, to use his own words, having, like Chillingworth and Bayle, "emerged from superstition to scepticism," he had ascertained, to his satisfaction, that after all baptism did not take away a man's capacity to resume his vices; and so he proceeded in a couple of chapters to dilate with reverential awe on Julian the Apostate, who had set the example of lapsing into paganism and idolatry. This sceptic's spirit of admiration for the abuse of baptism, rendered worse than useless by vice, approaches somewhat to the mentality of the Cambridge writer, on a subject quite exotic for both one and the other. (Gibbon, *Decline and Fall*, ch. 20, *med.*; ch. 22, 23.—*Memoirs composed by himself*, pp. 51–54, edit. 1827.) As to Chillingworth, that model set up by Gibbon for a decline from Catholicism, Father Knott, who had a good deal to do with him in controversy, remarked, that the dove had known how to return to the ark, but not the crow.



standards and those of the English in the evangelization of natives.

We find three measures of English success. They were, first, the appropriation of Catholic Indians and treating them to Protestantism; secondly, the distribution of Bibles; **Three English methods.** thirdly, the financial provisions made for ministers, both clerical and lay, by British Propagation Societies. These three agencies of missionary success we now take up in order, dwelling upon the last mentioned as the most important.

§ 156. Owing to a fatal act of treachery on the part of the French governor, the Marquis de Denonville (1686), the second Jesuit mission among the Iroquois came to an untimely end after twenty-one years of duration. During some five years the Praying Indians were practically unattended, Father Milet alone, towards the end of that period, being a captive in the Iroquois cantons.

By the term, "Praying Indians," were meant the Catholic converts. So Leisler defined them in 1689, when he spoke of the French priests "bigotting some Indians to their superstitions, naming them the Praying Indians."<sup>1</sup> **The Catholic Praying Indians.** Lord Bellomont in 1700 defined them similarly: "By Praying Indians is meant such as are instructed by the Jesuits." When, in the course of a quarter of a century after this, the last relics of Catholicity and Christianity were disappearing among the Iroquois who had been left in contact with the English, the name "Praying Indians" became the specific name of those Iroquois and other natives, who for the sake of Christianity had settled with the Jesuits in Canada. Thus, in 1724, wrote Cadwallader Colden, surveyor-general of New York: "Even our own Five Nations (the Iroquois), who formerly were mortal enemies to the French, and have always lived in the strictest amity with the English, have of late by the practises of the French priests been so far gained, that several of the Mohawks who live nearest the English have left their habitations, and are gone to settle near Monreal in Canada; and all the rest discover a dread of the French power. That much of this is truly owing to the priests appears from many of the Sachims of the Iroquois wearing crucifixes, when they come to Albany; and those Mohawk Indians that are gone to Canada are now commonly known, both to

<sup>1</sup> The term was not new. Daniel Gookin (ob. 1687), *Historical Collections of the Indians in N.E.*, devotes ch. vii. to "The Praying Indians." (*Mass. Hist. Soc. Coll.*, 1st series, i. p. 180, seq.)

the French and English, by the name of the Praying Indians; it being customary for them to go thro the streets of Monreal with their beads, praying and begging alms." So the term, "Praying Indians," passed into subsequent history; as W. Smith wrote, far on in the eighteenth century, that Governor Dongan, it should "be remembered to his honour," had forbidden the Five Nations to entertain the French priests: "The Jesuits, however, had no small success. Their proselytes are called Praying Indians, or Caghnuaages, and reside now in Canada, at the Fall of St. Lewis, opposite to Montreal. This village was begun in 1671," in the times of Governors Lovelace and Andros.<sup>2</sup>

Five years after the disaster caused to the missions by the treachery practised on the Iroquois, the Praying Indians or Christians of the Mohawks (May, 1691) waited on Governor Sloughter of New York at Albany. They were "Praying Indians," they said, "of the three races or tribes of our country." Their special mission, as distinct from that of the Five Nations, seems to have been occasioned by the loss of their brethren, who, they complained, were being "drawn out of our country to the French by their priests." Without a supply of Christianity at home such an evil would continue to develop. They spoke of Domine Dellius's return to Albany, after his flight thence at the Orange Revolution, as a restoration of him "to us"; though Dellius had never been anything but minister at Albany.<sup>3</sup> They observed with approval, that French priests went far away to teach Indians, even as far as "Diondade, which is 300 leagues [900 miles] above Canada." They said: "The Great God of Heaven has opened our eyes, that we discern the difference betwixt Christianity and paganism; and by means of the authority here, we have partaken of that benefit to be instructed in the religion of the great King of England, that is, the Protestant religion, wherein we are instructed already." Of this confusion, either in their minds or in the

Indian misconception of Protestantism.

<sup>2</sup> P. R. O., 578, ff. 72, *seq.*, J. Leisler and others to the Bishop of Salisbury, January 7, 1689, in letter of enclosure 14.—Brodhead, iv. 689, Bellomont, July 26, 1700, to Bd. Tr.—*Ibid.*, v. 727, 728, O. Colden, memorial, November 10, 1724, to Gov. Burnet.—Smith, p. 45.

<sup>3</sup> Brodhead, iv. 774, Compton, Bishop of London, November 1, 1700, to Bd. Tr.: "He [Dellius] was the only man that understood how to converse with the Mohacks, of whom he had converted several [before 1699] to a sincere embracing of the Christian faith." Albany, a mere trading post for Indians, was no place for forming Christian communities among the tribes. Hence, neither before this conference with Sloughter, when the Christian Mohawks complained of "the weak and faint setting forward of that greates work hitherto among us," nor after, till 1699, when Dellius left New York, can we credit him with the formation of a Christian Mohawk community.

interpreter's rendering of what they said, Governor Sloughter took full advantage in his answer. He was glad they could now distinguish between paganism and Christianity, as also between Romanism and Protestantism; he would provide them with the latter; and he hoped to settle a minister at Tionondorage, the first Mohawk castle (fifty-six miles above Albany—subsequently Fort Hunter).<sup>4</sup>

Six days later, addressing the delegates of the Five Nations together, Mohawks, Oneidas, Onondagas, Cayugas, and Senecas, Governor Sloughter inculcated upon them the strictest abstention from all dealings with the French, "without particular orders from this government; which now again I must in an especial manner recommend unto you to observe the more, because their Jesuits are too subtile for you, and always endeavour to deceive you as they have lately done—some of our Indians which they have drawne over to their owne religion and country."<sup>5</sup> With characteristic subtlety, the thirty-two sachems answered next day by the mouth of their orator: "You recommended to us to be carefull and watchful, and not to suffer ourselves to be deceived and betrayed by the subtile French; pray, take it not amiss, if we put your Excellency in minde of the same, and desire you to send out scouts and be vigilant upon this river." They made not the remotest allusion to the Jesuits. They had slipped over Sloughter's cue.<sup>6</sup>

A prisoner of the Iroquois, St. Germain, returned to Canada from the Iroquois country in 1699, and reported that "the English have made some of their people assume black gowns, in order to instruct the Iroquois in religion, to the exclusion of the Jesuits from among them."<sup>7</sup> We cannot quite believe this in the literal sense; for so far we find only one man, Domine Delliuss, who could have played the part of a make-believe or dummy of a Jesuit. He was ensconced at the fortified market of Albany in his Calvinistic congregation, and not likely to have assumed a black gown there for the sake of Indian customers. But Lord Bellomont in the same year seems to explain what was meant. He told the Lords of Trade that he had a corps of thirteen persons on his hands, all of whom were receiving salaries "for preaching to the Indians." More than half of them were ministers; the rest, laymen. The sum of their annual emoluments was £297; but not one of them was available for the Iroquois; nor, excepting one, were they available for the miserable residue of New England Indians, who hung round

<sup>4</sup> Brodhead, iii. 771, 772; May 26, 1691.

<sup>5</sup> *Ibid.*, 773.

<sup>6</sup> *Ibid.*, 776.

<sup>7</sup> *Ibid.*, ix. 703, memoir, 1699.

their comfortable settlements. Bellomont's own opinion of such black gowns he expressed in these terms: "The giving that money to ministers that did not preach to the Indians in their tongue, and were so lazy as not to learn it that they might the better instruct them, was a misapplication of the Corporation money."<sup>8</sup> The Corporation in question was the original Society for the Propagation of the Gospel in New England.

His lordship conjured the Lords of Trade "to send over two ministers as soon as possibly can be; or we shall hazard the loss of our Indians; they press for ministers above all things whatsoever. They ought to be young men, or they will never be able to learn the Indian tongue. They must be men of sober and exemplary lives and good scholars, or they will not be fit to instruct the Indians and encounter the Jesuits in point of argument." They ought to have "£150 a year *salarie apiece*, sterling money"; and a fort for the protection of their persons, which cost so much. "Without a fort," said Bellomont, "'tis next to impossible to prevail with the ministers to live among the Indians."<sup>9</sup> The Lords of Trade had recourse to the Bishop of London, who assured them: "I wish with all my heart I had five apostles" for the Five Nations; and he regretted that the one man who knew how to converse with Mohawks, the Rev. Domine Delliuss, had now been banished by Bellomont.<sup>10</sup> The trade lords communicated a bright idea of theirs to Bellomont. They wrote: Try physic and surgery with the Indians; the French missionaries use such means, "and we ought not to neglect them." Probably they did not know of the Jesuit's hand-bell, nor of the fascination which Livingston mentioned, that of toys; or my lords' superstitious admiration for the power of the Jesuits might have taken in the bell likewise, and the toys. One thing they found themselves rather unequal to cope with—the pecuniary exactions of Protestant ministers: "The getting of a maintenance for such ministers is the difficulty."<sup>11</sup>

Meanwhile Bellomont had engaged the Dutch minister, Barnardus Freerman,<sup>12</sup> who, being safely lodged at Schenectady, would supply

<sup>8</sup> Brodhead, iv. 718, Bellomont, October 17, 1700, to Bd. Tr.—*Ibid.*, 755, list of salaried ministers, a captain, etc., May 18, 1700. "Mr. Experience Mayhew of the Vineyard" is among them, at £35 per ann. "Mons<sup>r</sup> James Laborie" at £30 per ann. has been put into a plantation at Oxford, "where are some French and Indians"; because "he had undertaken to learn the Indian tongue, and instruct and preach to the Indians."

<sup>9</sup> *Ibid.*, 717.

<sup>10</sup> *Ibid.*, 774, H. Compton, Bishop of London, November 1, 1700, to Bd. Tr.

<sup>11</sup> *Ibid.*, 844, Bd. Tr., February 11, 1701, to Bellomont.

<sup>12</sup> *Alias*, Vreeman, Freeman, etc.

them with a relay of Christianity—"on your way," said his lordship to the Nations, "as you come from severall castles to this town," of

Albany. Five months after this assurance had been given, the Rev. Mr. Freerman reported cheerfully to Bellomont: "Your Excellency may remember that there are not above one hundred Maquase [*Mohawks*] in number, thirty-six whereof have embraced the Christian faith; ten whereof thro' the grace of God are brought over through my means, for I found but twenty-six. I shall do my utmost with the rest."<sup>13</sup> He did not state how the twenty-six had come to embrace Christianity. They look like the leavings of the Catholic Mohawks, the rest having migrated in mass to Canada.

These indications suffice for the first standard of English success in the conversion of the natives. It consisted chiefly in the substitution of Protestantism with the derelict Praying Indians, who had not migrated to Canada. The incapacity of the Indians to understand that there were radical differences of religion among the whites afforded a good opening for the practising of any deception upon them. The Caughnawaga Iroquois themselves showed this blankness of mind, when their sachems came down from Canada to Albany just before Bellomont's religious crusade. The commissioners received them with all regard, asking them to return from Canada, and offering them ministers in their old country. Their speaker replied: "We are now come to trade, and not to speake of religion. Only thus much I must say. All the while I was here before I went to Canada I never heard anything talked of religion, or the least mention made of converting us to the Christian faith; and we shall be glad to hear if at last you are so piously inclined to take some pains to instruct your Indians in the Christian religion. I will not say but it may induce some to return to their native country. I wish it had been begun sooner that you had ministers to instruct your Indians in the Christian faith. I doubt whether any of us ever had deserted our native country. But I must say I am solely beholden to the French of Canada for the light I have received, to know there was a Saviour born for mankind. And now we are taught God is everywhere; and we can be instructed at Canada, Dowagannah,<sup>14</sup> or the uttermost part of the earth as well as here."<sup>15</sup>

<sup>13</sup> Brodhead, 727, Bellomont, Albany, August 26, 1700, to the Iroquois.—*Ibid.*, 835, Freerman, Schenegtade, January 6, 1701, to Bellomont.

<sup>14</sup> Far-off Indian country.

<sup>15</sup> Brodhead, iv. 692, 693, Albany, June 28, 1700.—This answer of the Caughnawagas gave occasion, some ten years later, for the Court of St. James and the Society for the

Two months later, Lord Bellomont devoted the entire first day of a great conference with the Five Nations, to "the subject of religion; because," said he, "I perceive you have an earnest desire to be instructed therein; and I heartily rejoice to find you so well disposed. 'Tis without doubt a thing of the greatest moment whatsoever, because it concerns the welfare of your immortall soules, and is the way to everlasting happiness." Apparently becoming convinced of this himself by dint of trying it on others, he enlarged unctuously on "the vast difference between our religion, and that which the Jesuits corruptly call the Christian religion," and on "the comfort and advantage of our ministers' sound doctrine," which would show them the difference.<sup>16</sup> The entire second day of the conference, and part of the third, were taken up with the same subject. But, a year afterwards, the chief sachem of the Onondagas said to both French and English parties, present at a council in his own country: "You both tell us to be Christians. You both make us madd. Wee know not what side to choose. But I will speake no more of praying or Christianity; and take the belts down and keep them; because you are both to dear with your goods. I would have accepted of his belt who sold the cheapest pennyworth."<sup>17</sup> So Bellomont had succeeded with his preaching and Protestant "vast difference" in doing away with the Christian substance.

Bellomont's  
sermonizing  
on the "vast  
difference."

§ 157. The second standard of British success in evangelizing the aborigines was the distribution of Bibles, for the Indians to read. Dr. Charles Chauncy, one of the pastors of the First Church in Boston, spoke in 1762 at the ordination of the Rev. Mr. Joseph Bowman, and the separation of this missionary to the work of the Gospel ministry more especially among the Mohawk Indians. Chauncy said, "The sacred books of the Old and New Testament have, by the skill and labor of the memorable Eliot, been translated into the Indian language"; and, "thro' his assiduous endeavours with

Dr. Chauncy  
on Eliot and  
the Mayhews.

Propagation of the Gospel to bestir themselves. See *infra*, p. 403.—All parties were beginning to wake up, even though it was only politics that aroused them. In a book, *New York Considered and Improved* (1695), published five years before this Caughnawaga harangue of recrimination, the Rev. John Miller had shown signs of a reviving consciousness in the matter of religion. He reported the rebuke delivered by a Christian Mohawk of Canada, and then drew the conclusion: "So that it appears to be a worke, not only of great charity, but of almost absolute necessity, to endeavour the conversion of the Five Nations and other Indians, lest they be wholly debauched [from the English alliance] by the French," etc. (Douglas, p. 249, note).

<sup>16</sup> Brodhead, iv. 727, 728, Albany, August 26, 1700.

<sup>17</sup> *Ibid.*, 898, Onondage, June 22, 1701.

those of the renowned Mayhews and other worthies, a considerable number of churches, under the divine blessing, have been gathered." The preacher confessed that the few churches remaining were "in a declining state"; that the Indians were "strangely diminished" in all New England; in fact, they would soon be entirely "extinct." It is to be noted that Chauncy's appellatives of "memorable" and "renowned," for the "worthies" whom he commemorated and their "assiduous endeavours," had the perfectly symbolical meaning, peculiar to the circumscription of Boston and the outskirts of Martha's Vineyard. For Eliot's exploits were within the limits of a short drive from the one; and, at the other, the Rev. Mr. Experience Mayhew was among those who, said cynical Bellomont, "were so lazy as not to learn the Indian language," and preach to Indians in the vicinity.<sup>1</sup> Dr. Chauncy proceeded to moralize on the fallacy of treating natives to the mockery of white civilization and to the reality of white depravation. He approved entirely of the French system, which evangelized and civilized Indians as Indians, with their "hunting, fishing and fowling"; such a life, he said, was "as innocent and free from temptation as any they could change it for."

The utility of the memorable Eliot's Indian Bible grew rather attenuated on the one side, as the Indians dwindled away in rags and distress; but its glory waxed on the other. The *Eliot's Indian Bible* glory grew, and grows still, within the New England circumscription of whites, who could never judge of the Bible's merits. One useful object was certainly attained. The author of the Indian Bible, as well as its promoters, used it to advertise in England the Propagation Society of Boston, and to canvas for funds.<sup>2</sup>

This useful object was attained. The Bishop of London noted in 1700, that they had obtained a "considerable yearly revenue."<sup>3</sup> In the same year, 1700, Mr. Experience Mayhew was drawing £35 from the funds. He wrote a book entitled, *Indian Converts*, and he

<sup>1</sup> *Supra*, p. 298. *Infra*, p. 308.—Bancroft furnishes us with a specimen of the symbolism in vogue. He consecrates three pages to it, a panegyric of "the morning star of missionary enterprise," John Eliot, who was supported by the two first Mayhews. Yet he acknowledges that "Christianity hardly spread beyond the Indians on Cape Cod, Martha's Vineyard, and Nantucket, and the seven feeble villages round Boston" (ii. 94-97). In the next volume, Bancroft draws a contrast; that the Jesuits had reached the confines of Lake Superior, and were looking towards the Sioux on the Mississippi, "before the New England Eliot had addressed the tribe of Indians that dwelt within six miles of Boston Harbour" (iii. 131).

<sup>2</sup> *Infra*, pp. 302, 308; cf. p. 332.

<sup>3</sup> Brodhead, iv. 774. *Infra*, p. 304.

recorded the "dying speeches" of Indians. Though the author entitled himself, "Preacher of the Gospel to the Indians of that Island [*Martha's Vineyard*]," we have at least Bellomont's testimony that neither Mayhew, nor any of the other twelve preachers of the Gospel to the Indians were worthy of their salt. There was no preaching to the Indians in their own tongue. We may entertain a doubt as to the possibility of the natives having set themselves to read Eliot's Bible, for we have no testimony to that effect. Hence we infer with some probability that the Indian Bible was for the white preachers, and gave the measure of their eloquence in the attempt to read it aloud.<sup>4</sup>

Lord Bellomont came in his day. He was a member of the Corporation for the Propagation of the Gospel. He said to the Iroquois: "I hope in a little time to have the Bible translated into your language, and to have some of your children taught to read; so that you may have the comfort and edification of God's Word; which I am sure will be hugely pleasing to you when your children are able to read it to you." This was placing contingent possibilities at a safe distance in futurity. "But withall," he said, warning them of a grave actuality, "I must tell you, tho' it is the Jesuites custome by bribes and rewardes to purchase proselites, it is not the practise or method us'd by Protestants." So, reserving a Bible for them and theirs in the future, he exacted of them at present the self-abnegation of being content with only "200 fusees, 200 bags of powder of 6 lb. a peece, 2000 lbs. of lead, 2000 flints, 100 hatchets, 200 knives, 200 shirts, 40 kegs of rum of 2 gallons rum, 63 hats, 3 barrells of pipes with tobacco."<sup>5</sup>

About the same time when Bellomont so disinterestedly was propagating the Bible, and, unlike Jesuits, was presenting, as a little token of good will, only some wagon-loads of powder, rum, hats, pipes and shirts, the Rev. John Talbot wrote from New York to a Mr. Richard Gillingham, that a Jesuit had petitioned the Right Hon. Richard Coote, Lord Bellomont, for an alma, to the amount of a couple of shirts. He was denied and banished, said Talbot; who

<sup>4</sup> E. Mayhew, *Indian Converts*.—Mr. Prince adds an appendix on the ministers in Martha's Vineyard and the adjacent islands (pp. 280 *seq.*), to wit: Example I. The Rev. Mr. Thomas Mayhew, junior, the only son of the worshipful Thomas Mayhew, Esq.; Example II. Thomas Mayhew, the father of the other; Example III. John Mayhew, youngest son of Thomas Mayhew, junior; Example IV. Rev. Mr. Experience Mayhew, eldest son of Mr. John Mayhew.

<sup>5</sup> Brodhead, iv. 734, 740, Albany, August 29, 81, 1700. Cf. *infra*, p. 408.



then contrasted the self-abnegation of the Jesuit with a very different spirit in his own community.<sup>6</sup>

§ 158. Half a century passed. Each year saw from £800 to £2000 spent in disinterested little tokens of good will towards the Iroquois. But, as no Christianity was as yet visible on one side or the other, the Rev. Jonathan Edwards revived the biblical idea. Writing from Stockbridge in New England (1752), Edwards propounded to Mr. Joseph Paice in London the proper method to be followed by the London Society for the Propagation of the Gospel in Foreign Parts.<sup>1</sup> He noted the phenomenon of self-advertisement and noise on the part of missionaries; who, as Burke described in a similar case, were like a half-dozen grasshoppers, making the field ring with their importunate clink, while the herds of great cattle chewed the cud in silence. Said Jonathan Edwards: "That Society have been vastly imposed upon by the representations of their missionaries." He reflected on the fidelity of the French to their trust, of the Canadian government to their king, of the missionaries to the interest of their religion. "They have had their missionaries constantly for many years amongst the most powerful of these nations of North America, who have been great in their labours among them, using all the arts and subtle devices of the Romish clergy, prejudicing them against the Protestants and English by innumerable Jesuitical falsehoods." Edwards was beside himself with wonderment at the difference between the French and English nations in discharging their duty to the native races. It is all "very strange!" he exclaimed. "While they have been so exceeding

<sup>6</sup> *Records*, vi. 67, note, from *History of the Church in Burlington, N.J.*, by Hills, p. 27; Talbot, N.Y., November 24, 1702, to Gillingham: "The Papists have been zealous and diligent to send priests and Jesuits, to convert these Indians to their superstitions; 'tis wonderfully acted, ventured, and suffered on that design; they have indeed become all things, and even turned Indians, as it were, to gain them; which I hope will provoke some of us to do our part for our holy faith and mother, the Church of England. One of their priests lived half a year in their wigwams (i.e. houses) without a shirt; and, when he petitioned my Lord Bellamont for a couple, he was not only denied, but banished; whereas one of ours, in discourse with my Lord [Bishop] of London, said, 'Who did his Lordship think would come hither that had a dozen shirts?'"—This anecdote seems to regard Father Milet, although it does not tally with the date of his captivity. (*Infra*, p. 384.) The story would have been more *piquant*, if the catalogues of the Society had only intimated for us the social standing of men before they entered the Order, so many of them being of the gentry and nobility. But the records merely state what concerns qualifications for the life of the Order. Thus we have of Milet that he was M.A. at the age of twenty, when he entered the Society. (Rochemonteix, *aviii*, iii. 168, note.)

<sup>1</sup> Briefly denominated "S.P.G."

vigilant, we have been like men in a lethargy, so as to make us the objects of the mirth of the French, and of late of the contempt of the Indians." From these and other reflections Edwards gradually rose to his great idea, which would make the English rise in the minds of men: "We have an advantage to outdo the French. For, however great expence they are at in the presents they bestow upon 'em, yet, agreeable to the genius of their religion and maxims of their Church, they keep 'em in ignorance, they forbid 'em the use of the Bible, nor do they teach 'em to read and write." At great length the divine showed the complete revolution of ideas which would have taken place in the minds of the Indians, by the time they and their children should have sat down to read the English Bible. He made no mention of translating it for them. And finally there would be God's blessing for the English becoming Christians at last, and the hope "that His anger of our past neglects and ill treatment of them would be turn'd away; from whence we have otherwise reason to fear that He will use them as a sore scourge to inflict on us a just punishment of our cruelty to their souls and bodies by our withholding the Gospel from them, defrauding them of their goods, prejudicing them against Christianity (the religion we profess) by our unchristian behaviour and more than heathenish wickedness, and our killing multitudes of them, and greatly wasting their numbers with strong drink."<sup>2</sup>—It is difficult to imagine what Romish "subtile devices" or "Jesuitical falsehoods" could have outdone the statements of this biblical armchair philosophy.

At the same time, it is apparent from a comparison of the copious documents, English and French, political and ecclesiastical, that the Jesuits were men altogether too busy, too well-bred, and too eloquent to be found prosing, bespattering their neighbours, or concocting devices. Obliquely they were described by Jonathan Mayhew's friend and correspondent, "the reverend and learned Edward Wigglesworth, Hollisian Professor of Divinity at Harvard College"; who, in a distressful letter to Jonathan, gave it as his opinion that there was no way of making head against the Jesuits, but by "our having missionaries among the

Dr. Wigglesworth on the Jesuits.

<sup>2</sup> Lambeth Pal. MSS., No. 1129, i. 60, J. Edwards, Stockbridge, N.E., February 24, 1752, to J. Paice; who forwards it from "Oloak Lane" (*Ibid.*, 61), but does not "patronize" certain strictures of Edwards on the conduct of missionaries—apparently the passage about their "being almost universally High Church men, and great bigots, using all manner of methods to promote their own party, and to eneroach upon and root out the N. England Churches, and engross everything to themselves; wherein they are perhaps no less active than the Papists are, to build up themselves here upon the ruins of the Protestant and British interest in America."

Indians, who shall be men of genius enough to gain their esteem, and the same ascendancy over them, which the French missionaries get wherever they come." This denunciatory compliment to the Jesuits the writer emphasized, by sternly underlining it for the worthy pastor of the West Church in Boston.<sup>3</sup>

In the very next year (1753) after the prosing of Jonathan Edwards, a Boston book was published, which touched the same biblical key, but much more timidly. It was an *Account of the Methods used and Pains taken for the Propagation of the Gospel among that Heathenish Tribe* [Houssatonoc Indians], and the *Success thereof, under the ministry of the late Rev. Mr. John Sargent*. This rev. gentleman had been ordained minister for the Houssatonocs nearly twenty years before. Five other ministers had ordained him, after having "received satisfaction as to his orthodoxy." The names of the ministers had the genuine New England ring: Williams, Appleton, Williams, Hinsdale, Ashley. The political aspect of the occasion was worthy of the great act; it was at Deerfield, in the county of Hampshire, the Massachusetts Governor, Jonathan Belcher, being in conference with New England Indians. There were twenty-seven others present, including Caughnawaga Indians of St. Francis who desired to attend. No small portion of the palavers turned on "the Father," whom the Massachusetts government supported at Fort Dummer, Captain Kellogg commanding.<sup>4</sup> This use of the Catholic term, "Father," by so orthodox a community as that of Massachusetts Bay, might lend some colour to the literal interpretation of "Black Robes," which the English were charged with having assumed to practise deception on the Indians.<sup>5</sup>

However that be, all parties were well pleased, on the occasion of Mr. Sargent's ordination. Nearly twenty years afterwards, in 1753, appeared the memoir of the same rev. gentleman now deceased. Whether as a ray reflected from his past ministry, or as a bright light appearing over the horizon for the future, the idea of the Bible loomed up; not quite with the ambitious glamour of Jonathan Edwards, that it would be "an advantage, to outdo the French"; but with the more subdued air of apologizing to the Indians, and making them believe that the English were not impostors. Speaking of the Five Nations, the

The biblical  
idea an  
apology to  
the Indians.

<sup>3</sup> Mayhew, *Observations*, p. 166.—Perhaps it is Mayhew who does the italicizing for the instruction of the world.

<sup>4</sup> P. R. O., N.E., No. 2, ff. 127-136, a printed document, 4to; August 27-31, 1735.

<sup>5</sup> *Supra*, pp. 292, 293.

memoir said, "When those Indians are properly informed of the conduct of the French and other Romish Catholics, when they deny them the use of the Bible to the common people among themselves, and that they have no design to acquaint the Indians with the Word of God; and that, on the other hand, our design is not to impose upon them, but to open the Bible, to enable [*them*] to read it for themselves, will this not satisfy them of our honest intentions towards them?"<sup>6</sup> This was about as much as could be expected.

The whites themselves saw such a difference between a priest and a minister that, when an honest man like the Scotch missionary, Rev. David Brainerd, did some good among Indians, Brainerd's dilemma. they cried him down as a Catholic: "When they saw," wrote Brainerd, "they could not prejudice the Indians against me, nor hinder them from receiving the Gospel, they then nois'd it through the country that I was undoubtedly a Roman Catholic."<sup>7</sup> If Brainerd bore any resemblance to a Catholic priest, he must have insisted on conversion of heart and the practice of virtues, as the first requirement of Christianity; on instruction in Christian duties as the second; and on the use of divinely instituted Sacraments as the third. If, besides that, people could read, whether the Bible or any other good book, so much the better. But no reading was ever a means of salvation, nor even a necessary antecedent to civilization.

We observe that long after the flower of the Iroquois nations had migrated to Canada,—the Cayugas almost bodily, and the Mohawks leaving not a soul behind—they were pursued down the St. Lawrence with Bibles. Five hundred copies of the "Gospel of John" in Mohawk, translated by the Scotch-Mohawk half-breed chief, John Norton, and printed in London by the British and Foreign Bible Society, were designed "for the use Survival of the Bible for the Catholic Mohawks. of the Roman Catholic and other Mohawks lower down to the St. Lawrence."<sup>8</sup> There was Christianity in those parts, and some use in a Bible. But, on Federal territory in 1795, J. T. Kirkland reported from Boston of the Oneida, Stockbridge, and Brothertown Indians, that the Oneidas were totally decayed and degraded under every respect; and there were only "one hundred (so called) warriors in the whole nation." Of all alike he said,

<sup>6</sup> *Researches*, x. 46.

<sup>7</sup> *Ibid.*; from the *Work of Grace among some of the Indians in N.J. and Pa.*, in 1745.

<sup>8</sup> *Mass. Hist. Soc. Coll.*, 1st series, x. (1809), 153, 154, note of editor. The Bibles for the St. Lawrence were due the year before; seemingly in 1808.

"Many of their savage virtues are lost; and many of the vices peculiar to civilized society contracted."<sup>9</sup> We may presume that among such people the output of Bibles would have served only economic purposes of domestic utility or ornamentation; as the liberal supply in our times does with other backward races.

§ 159. The third measure of British success in the conversion and civilization of Indians was what may be called indifferently Propagation societies or provisions for ministers. This standard of efficiency must be viewed, not from the side of the natives, but from that of the financial outlay. The display of energy in a pecuniary way had been witnessed from the early days of Massachusetts Bay. The collections of money were, of course, made in old England. Eliot's translation of the Bible was used as a leverage for working on the piety of the Independents under Cromwell, and of the Anglicans under Charles II. As the restored monarchy would not recognize the usurper's acts even of evangelical piety, it performed acts of a similar tendency, but in its own name of Anglican piety.

On behalf of a Propagation society, there was an act of Parliament, a charter, and orders in council under the Commonwealth *Charters, 1649, 1662.* (1649).<sup>1</sup> Indeed, Cromwell had a "Committee for the Propagation of the Gospel," before which we find that Catholics were pleading for a little toleration, and begging that such "supposed trifles as Angus Deis, medalls," might not be taken as proofs of high treason.<sup>2</sup> Under Charles II. there were orders in council; and a charter was granted to the effect of incorporating a Company for the Propagation of the Gospel in New England and the parts adjacent in America (1662).

The incorporators were some forty-five lords and gentry, from Clarendon, Lord Chancellor, down to representative citizens of London; Robert Boyle, Esq., being named first governor. The purpose professed by the king was "the glorifyeing of the name of Jesus Christ and the further enlargement of His Church," by means of clothing, civilizing and instructing the poor natives; and, for that purpose, supporting ministers, schoolmasters and other instruments

<sup>9</sup> *Mass. Hist. Soc. Coll., Ibid.*, iv. (1795), 68-70; J. T. Kirkland, February, 1795. He adds: "It must be acknowledged on the other hand, that the spirit of ferocity and revenge . . . is much softened and subdued; their general behaviour is harmless and inoffensive, and often obliging and kind. Great civility is practised by them in conversation; and they appear averse to contradiction and disputation. Adultery on the part of the women is almost unknown."

<sup>1</sup> Douglass, *Summary*, i, 281, 282.

<sup>2</sup> Stonyhurst MSS., A, iv. 13, tom. iii, 841, 848; 1650.

employed in so Christian a work. Hence to advance "the said heathen natives in learninge and in the knowledge of the true and onely God, and in the Protestant religion already owned and publicly professed by divers of them," the charter granted powers to hold landed property of £2000 yearly value, as well as all manner of goods and sums of money, and to dispose of the same with perfect liberty. When, a few months later, the Company petitioned for a general collection to be taken up in England and Wales, an order of council issued in due form. The petitioners cited in their favour Cromwell and the Bible of Eliot; the former, because "the Pretending Powers that then were" had granted such a collection; the latter because it had to be paid for, to wit, the New Testament and a good part of the Old, done into the Indian language and already passed through the press. It is true that some evil eye in America espied in all this a snake in the weeds. Edward Godfrey, sometime Governor of Maine, gave the information that the great benevolences received in New England, under the pretence of propagating the Gospel, were only a fund to be used for the declaration of independence. And the fund, he said, was swollen by an annual tribute exacted from the Indians.<sup>3</sup> Be that as it may, we reckon the Boston-London Society of the seventeenth century as the original corporation for propagating the Gospel among Indians.

The progress, during the same century, of this evangelizing project may be inferred from several circumstances. In 1680, a sum of £2230, transmitted to America, and "let out" to divers persons, was only part of the stock for evangelizing Indians in New England.<sup>4</sup> In 1693, the council of Boston instructed the treasurer to honour a bill of exchange for £512 received by Mr. Increase Mather in 1691 from the London corporation, and payable to Mr. Stoughton for the Propagation of the Gospel among the Indians; the said sum having been "disburst in the service of the country."<sup>5</sup> This last phrase about the country's service was a little equivocal. William Phips, Governor of Massachusetts, signed the order. A few years later, Lord Bellomont, himself a member of the pious corporation, remonstrated with Mr. Stoughton and the other commissioners against the payment of such moneys to men who

<sup>3</sup> P. R. O., *Pat. Roll*, 14 Car. II. part 11, No. 17, charter, February 7, 1662.—*Ibid.*, *Col. Pap.*, xvi. No. 70.—*Ibid.*, *Cal.*, i. p. 426, July 17, 1655, order in Cromwell's council; ii., §§ 38, 280, Godfrey, February 19, 1661; §§ 67, 228, 318, 319, process of the charter, 1661, 1662.

<sup>4</sup> *Ibid.*, *Cal.*, v., § 1587; November 12, 1680.

<sup>5</sup> *Ibid.*, *Entry-Book*, 64, p. 281; Boston, April 12, 1693.

could not preach in the Indian tongue. As we have seen, he clamoured to the Board of Trade for some who could;<sup>6</sup> and Compton, Bishop of London, treated the same Board to a series of lamentations. Complaining that he had no "apostle" to send, that Domine Dellius had been banished by Bellomont, and that the New England people had plenty of money to meet the crying need, he suggested that their lordships should obtain powers for the governor, "to call the gentlemen of New England to an account, how they have bestowed that considerable yearly revenue, which was given for this very purpose from their first planting."<sup>7</sup> This lamentation was raised on November 1, 1700, fifty-one years after the first incorporation by Cromwell.

§ 160. At the very same time, a new and much greater society was coming into existence. Dr. Thomas Bray was putting forth all his energies. In 1698, he had succeeded in establishing a Society for Promoting Christian Knowledge (S.P.C.K.), by founding charity schools in England; and, after a hundred and fifty years of educational blight brought on by the Reformation under Henry VIII. and Edward VI., popular education was revived.<sup>1</sup>

More to our purpose was Bray's other institution, chartered in 1701. It was called the Society for Propagating the Gospel in Foreign Parts, or briefly S.P.G. The idea and title he took by adaptation from the Catholic Congregation *de Propaganda Fide*. This conception was not original with Bray. Some twenty years before, an author had propounded with much vigour and venom his plan of an anti-Papal Society for the salvation of England from Popery; the institution should be a counterpart to the Sacred Congregation of the Propaganda, and to the Generals, Provincials, Rectors, etc., whom he conceived to be elements of that Congregation.<sup>2</sup> Bray used from time to time the identical Roman name in Latin for his own association. In his many-sided solicitude for its well-being, he took measures to obtain the property of Catholic recusants, and whatever else could be

<sup>6</sup> *Supra*, p. 298.

<sup>7</sup> *Supra*, p. 296.

<sup>1</sup> Cf. Lecky, *England*, iii., 32.—Plummer, p. 15. Addison and Steele considered this movement "as the glory of the age we live in."—Great was the bicentenary celebration at St. Paul's in London, 1898.

<sup>2</sup> *History*, I. 50, 51. The author is presumed to have been a Mr. Jones, writer of a book published under the name "Anti-Papall Society." His principle was: *Dum singuli pugnamus, universi vincimus*.

drained from the same quarter, under the legal names and qualifications of "taxes due to the Crown,"<sup>3</sup> or of property "given to superstitious uses." Of this great institution Dr. Hawks said in 1836, that the Protestant Episcopal Church in the United States is the "visible memorial," perpetuating in its body the life and record of the Society for Propagating the Gospel in Foreign Parts. Dr. Hawks continued: "And let not the remark be deemed either arrogant or invidious, that the missionary society which can point to such a trophy of successful labour is not to be ranked second to any missionary institution in Christendom." In making this comparison, he was evidently thinking of the Catholic Church and its religious Orders, perhaps even of the Jesuits; who, far from thinking so worthy a person "either arrogant or invidious," might only bethink themselves of a prætorian maxim: "*Praetor non curat de minimis.*"<sup>4</sup>

<sup>3</sup> Cf. *supra*, pp. 92, 146.

<sup>4</sup> Slon Coll. Lib., *Bray's MSS.*, L. 40.2<sup>a</sup>/19.—Hawks, *Contributions*, ii., *Md.*, 93.

Bray speaks thus: "Lastly, to enable the *Congregation pro propaganda fide* to discharge these forementioned trusts . . ." (f. 68); and so *passim*. His effort in 1697 to obtain a share of property "given to superstitious uses," for his own "uses truly pious," failed in the House of Commons; as also an attempt in 1698 on "some arrears of taxes due to the Crown"; not to mention a design, without date, on Mr. Thomas' Bequest, any part of which, "considering the nature of that bequest," or any part "of the interest arising from it," he was anxious should be assigned "to these purposes." But, said he, "all designs failing of getting a publick fund for the Propagation of the Gospel in Foreign Parts, and of an established body of men to carry it on, I then form'd a design, whereof I drew the plan, and layd it before some persons of consideration, of having a *Protestant Congregation pro Propaganda Fide* by charter from the king." To prepare the way for such a chartered society, he began with the voluntary one, S.P.C.K., "both to carry on the service already begun for the plantations, and to propagate Christian Knowledge at home and abroad." (Ff. 9; 883, 884, on the bequest.—Cf. Lambeth Pal. MSS., 941, No. 71, p. 8, Bray's memorial on a debt, £1500, due to the Crown from the time of Charles II.)

Among the advantages which Bray foresaw in all this was the wiping away of the "reproach to us that, whilst the Papists, the Dissenters, and the very Quakers have such societies for carrying on their superstitious, blasphemous heresies and fooleries, we have had nothing of this nature yet set up, in order to promote that pure and primitive Christianity which we profess." In a declamation on Maryland in particular—a great plantation which, he said, had never known "preaching, prayers or Sacraments"—he exclaimed, "Are Rome and Mocha, whose sons are so apt to compass sea and land to gain proselytes to superstition and folly, so regardless of their own people?" (Ff. 63, 98<sup>v</sup>, 99.)

Inextricably bound up with the idea of the society was that of parochial libraries; which seems to have been the original germ expanding into the Propaganda scheme. Both started from the incidental circumstance that Governor L. Copley and the council of Maryland, in accordance with a local act to establish the Protestant religion in Maryland (May, 1692), offered to place at the disposal of Compton, Bishop of London, the office of clerical superintendent; and they had the intention of attaching thereto the judicial office of commissary, with the lucrative cognizance of testamentary causes. Compton offered the post to Bray; who, accepting the offer, began his work in favour both of his own establishment as commissary, and that of parochial libraries.

In his own interest he advocated a bishopric "*ad partes infidelium*," after the example of the "Church of Rome"; for "it would remain too long a reproach of our Church and nation, should not the like be done." He also proposed to the pious public of England that, besides the commissaryship, of which "the full profits will be worth £300 per annum," the superintendent should be provided with "500 acres of



Besides the two institutions just described, the first Anglo-American from the times of Cromwell and Charles II., the other, an English one, chartered by William and Mary, there were two other societies for the propagation of the Christian faith; one of which was Scotch, and existed throughout the eighteenth century, the other American, which just came into existence only to be suppressed.

The Scotch society was chartered by Queen Anne in 1709 "for Propagating Christian Knowledge," piety and virtue, in the Highlands of Scotland, and in Popish and infidel parts of the world. The Highlands, it is to be understood, were largely Catholic, and have been till our day. The society was qualified to possess and administer real estate of £2000 annual value, and to receive personal property without limitation, for the purpose of "instructing the people in the Christian Reformed Protestant religion, as may be competent."

The fourth or American society made an attempt to assert the right of existence in 1762, at a time when the conquest of Canada had just opened a new field of vision and of aspirations. In good land, with 20 negroes and a stock of cattle settled upon it," to yield another \$300 per annum.

In the interest of the parochial libraries, clerical and lay, he laid stress on the clerical material available, and its uselessness without such provision to stock the clergy's minds: "None," he said, "but the poorer among the clergy could be persuaded to leave their friends and native country, and go so far"; and "without a competent provision of books they could not be useful to the design of their mission." His draft of a Layman's Library had a section well charged "against the Papists." He was not sparing of his animadversions "on the continent of America expos'd to the perversions of the Popish priests, at a juncture when the French from Canada are so notoriously diligent in sending their emissaries amongst the Indians lying on the back of this [Maryland] and th' other colonies, to draw them into their superstition and alliance." He prospected the whole country from Pennsylvania up to Newfoundland. He proposed that each missionary should have £50 per annum for three years; and £20 a year for a library of necessary books. Virginia was already provided for under the tutelage of Commissary Blair. New York had a special claim. There should be 20 ministers for the (Iroquois) Indians there, if only a fund could be had. He proposed a graduated scale of salaries to "such ministers as shall most hazard their persons in attempting the conversion of the native Indians," with pensions for widows and children. (Ft. 2, 7, *seq.*; 62, 199, 206, 284, 285, 319.—Perry, *Md.*, pp. 51, 52.)—This was almost at the same moment when Governor Lord Bellomont was offering the Iroquois an ungraduated tariff of premiums, for the head of every Jesuit who hazarded his person among them. (*Infra*, p. 391.)

The commissaryship never accrued to Bray's benefit; nor did the plantation. Bray washed his hands of the superintendent's office. Francis Nicholson was governor. The next man, Governor Seymour, took occasion in London to fall "upon me," said Bray, "with the utmost fury." Among the things which the gallant colonel said was the ungallant piece of bravado, "that did I not wear a gown, he would have satisfaction of me with his sword." Whereupon Bray made an observation, which is worthy of record, for the benefit of military, baronial and other gallants: "It is well that we have such an asylum as the gown; or rather it is well for some that, upon that score, they may so safely bounce and hector and menace a certain order of men as they please, without danger of return; which, if chevaliers as well as themselves, I believe they would be more cautious of that sort of treatment." (Perry, *Ibid.*, 58, 60, 61.)

February, 1762, the assembly of Massachusetts passed a bill, entitled, "An act to incorporate certain persons by the name of the Society for Propagating Christian Knowledge among the Indians of North America." Only fifteen months later (May 20, 1763), the king in council suffocated this audacious competitor of the great London society, the S.P.G. But, if the strangled scion in its struggle for existence never reached the period of mewing a lusty youth in the service of religion, it certainly did one service for the history of religion. It left a legacy, which we have the privilege of enjoying. This Boston society and the people who tried to keep it alive unearthed the secrets of the great London society.<sup>5</sup>

§ 161. In tracing the missionary record of these four missionary societies, we may despatch in the first place the original Anglo-American "corporation," and the Scotch one. For they essayed little, and there is little to say about them. The American society, indeed, did nothing before it met an untimely death; but it left its mark in the world, on the face of its assassin, the English association, S.P.G.

For the year 1748, a century after the Anglo-American society was founded, we find "the people of New England" credited with having "turned their attention" to the field of labour among the Five Nations; "and the Rev. Messrs. Spencer, Woodbridge and Hawley visited successively the tribes on the Mohawk and Susquehannah Rivers."<sup>1</sup> Then the Rev. Mr. Sargent was a missionary of the same old society, his memoir appearing in 1753.<sup>2</sup> In 1762, Dr. Charles Chauncy, preaching his sermon on the separation of the Rev. J. Bowman unto the Indian apostolate, told of edifying things that were happening. He said that, since God had prospered his Majesty's arms in the reduction of Canada, a great disposition had been awakened all round to send "the word of salvation" among the Indians, now under the British supremacy: "'Tis in consequence of this good disposition, and the charitable effects of it, that we have now two missionaries in the Mohawk country"—which, by the way, had been under British ascendancy ever since the end of the previous century. The reports of these reverend gentlemen, Messrs. Forbes and Hawley,

Work of the  
old Cromwell-  
Stuart  
society,  
1649-1762.

<sup>5</sup> Lambeth Pal. MSS., 1128, iii., No. 271, Mass. act of incorporation; No. 308, Privy Council disallowance, May 20, 1763, of Mass. act, February, 1762.—*Ibid.*, No. 319, Secker, September 15, 1763, to Caner, on the Scotch society. Cf. *infra*, p. 413.

<sup>1</sup> O'Callaghan, iv. 505, 506, "Memoir of the Rev. John Stuart, D.D., the Last Missionary of the Mohawks."

<sup>2</sup> *Supra*, p. 300.

were most encouraging—even if, like all such missionary letters, the recital of them yielded nothing but hopes and prospects and goody-goodness. But Dr. Chauncy went on to speak with dismay of the practical results: three boys brought to New England, and costing “nearly 60£ sterling in less than one year. Then there is no guarantee whatever,” said he, “that the boys will turn out anything fit for the purpose intended.” Dr. Jonathan Mayhew, in the following year (1763), spoke of the two missionaries<sup>3</sup> lately sent to the Six Nations from Boston, at the expense of both societies, the older Anglo-American and the Scotch associations. Speaking of the missionary reports as “very encouraging,” with regard to the “temper and disposition” in which the Indians were found, he added a judicious remark: “notwithstanding,” said he, “all the pretences that it is a vain thing to attempt the Christianizing of savages.” Quoting Douglass, he made known the financial basis of the original Anglo-American society: “The whole revenue of the corporation is £500 to £600 sterling per annum. At present, they exhibit small, but well-placed salaries to several missionaries, English and Indians.”

The term used here, “well-placed,” is equivocal, like the analogous phrase of the Massachusetts council in 1693, on the same subject: “disburst in the service of the country.”<sup>4</sup> We are left in doubt for whose benefit the salaries were “well placed,” and what precisely was meant by “missionaries, English and Indians.” Still both Douglass and Mayhew himself made the attribution of the benefit clear. Douglass said: “This charity has been helpful to some of the preachers in New England, who have small provision.” Mayhew showed how the charity had been spent. With pardonable family pride, he appended a note to his own quotation from Douglass: “The author’s father was more than 60 years a preacher of the Gospel to the Indians; employed by the commissioners of this society.” What Lord Bellomont thought fit to tell Mr. Stoughton, treasurer of the society, about this misappropriation of the corporation’s trust, we have already seen above.<sup>5</sup> On the operations of this original Anglo-American society, during 113 years since its first incorporation (1649–1762), nothing further occurs to say.<sup>6</sup>

Of the Scotch society Dr. Douglass gave the account, in

<sup>3</sup> Apparently the same, Forbes and Hawley.

<sup>4</sup> *Supra*, p. 308.

<sup>5</sup> *Supra*, pp. 298, 308.

<sup>6</sup> Chauncy, sermon, August 31, 1762, pp. 29–34.—Mayhew, *Observations*, p. 125, note; 158, from Douglass.—Douglass, *Summary*, i. 281, 282.

1747-1750, that, in the fourth year of George I., "their charter was extended to all infidel countries beyond seas. They have a considerable fund. They have had a missionary upon the New England western frontiers. The laborious Mr. Brainerd, lately dead, was their missionary among the Indians upon the northern frontiers of Pennsylvania and the Jerseys." <sup>7</sup> In 1763, Secker, Archbishop of Canterbury, gave the Rev. Mr. Caner in Boston the information, that this Scotch association "had correspondents and missionaries in New England, above 30 years ago; and in Long Island, Pennsylvania, North Carolina and Georgia, about 20 years ago; and probably hath still."

Work of the  
Queen Anne  
Scots society,  
1709-1762.

Dr. Chauncy, in the sermon already quoted, dilated more fully on this society. His text was: "Ask of Me, and I will give thee the heathen for thine inheritance, and the uttermost parts of the earth for thy possession.—The inspired David." Having said of the Indians within the borders of New England that "they are, it must be confessed, in a declining state," and that "it looks, as tho' in time not far distant their race would be extinct," he proceeded to state, in very natural sequence, that, outside of New England, "they are more numerous, and at the same time more savage, on our northern and eastern borders." This obscure description, as his context shows, is meant to mark the speaker's appreciation of the contrast between the languishing remains of New England tribes and the vigorous Abenakis, warlike hunters to the north-east, who had been under French culture, and were Christians. He recounted how, after a great solemnity in Boston of being "separated to their work," and "commended to the grace of God," three missionaries of the Scotch society had penetrated, about nine and twenty years before, into the Acadian country of the Abenakis. This would be about 1733, some nine years after the murder of Father Rasle. "But upon trial," continued Chauncy, "they found themselves unable to serve the ends of the Gospel among these Indians; as they [*the Indians*] had been previously corrupted by Popish priests. Nor may it be expected that any attempts to indoctrine them in the principles

<sup>7</sup> As to the movements of these Indians, compare Governor Penn's "Answers to Heads of Enquiry," January 30, 1775: "No. 17. What number of Indians have you, and how are they inclined? *Answer.* Before the late Indian war, there were a number of Indians settled in several parts of the province; but, during the war and since, they have withdrawn themselves beyond the western and northern limits of the province" (P. R. O., *Proprieties*, 206, p. 48).—In this interval, several interesting episodes had been witnessed, as that of the Conestoga Indian massacre by whites, at Lancaster. (Cf. Brodhead, vii. 602, Sir W. Johnson, January 20, 1764, to Bd. Tr.—Field, T. W., pp. 85, 165, 210, 211, and *passim*.)

of pure and undefiled religion will meet with success, while they are so deeply tinctured with Romish superstition, and absolutely governed by Jesuits sent to them from Canada."

Dedicating this speech to the president, the Marquis of Lothian, and to the other members of the honourable society in Scotland, Chauncy congratulated them on what they had done in the isles and highlands of Scotland. Probably he was assuming that they did somewhat better among Highland Papists than among Abenaki Papists. But he regretted that "your kind and generous attempt, some years ago, to Christianize the [*Abenaki*] Indians on the eastern borders of this province was not prospered according to your pious wishes. [*For*] your missionaries then went to Indians, who had been strongly prepossessed in favor of the idolatries and superstitions of Rome. They are now gone to [*western Iroquois*] Indian nations, who have not been under management by Popish priests." Chauncy harped on this chord, which seems to have been the only one likely to elicit a hearty response: "The Indian tribes in our western parts," he repeated, "are yet more numerous and considerable" than the despaired-of Abenakis; "and, as they are in heathen darkness, unmixed with Popish corruption, there is reason to hope," etc. Striking the identical chord again, the preacher formulated his own hope for the faith "not of a lie," but "of the truth as it is in Jesus."<sup>8</sup>

Unmixed  
heathenism,  
antecedent  
and con-  
sequent.

The sum of all this evangelizing policy and philosophy was that, if Indians had been tainted by Jesuits with Popery, there was no making Protestants of them. But, if they were untainted heathens, there was reason to hope. The Indians in question were the nations of the Iroquois, from whose country the Jesuits had finally withdrawn fifty-three years before (1709).<sup>9</sup> During fifty-eight years this same Iroquois territory had been the field of operations, where the great English Society for the Propagation of the Gospel exercised its ministry. It was now, said Chauncy, a field of "heathen darkness" again, inviting Scots to try their hand. Such a situation naturally brings us to the record of the S.P.G., which would seem to have spent more than half a century in reducing the Popishly inclined Iroquois to heathenism untainted, and to have left their country in a darkness unexceptionable.<sup>10</sup>

<sup>8</sup> Douglass, *Summary*, i. 231, 232.—Lambeth Pal. MSS., 1123, iii., No. 319, Seeker, September 15, 1763, to Caner.—Chauncy, sermon, August 31, 1762, pp. iii., iv., 26, 28, 46.

<sup>9</sup> *Infra*, p. 406.

<sup>10</sup> The whole situation with these bronzed Indians proved to be the same as

§ 162. The Most Rev. Thomas Secker, Archbishop of Canterbury, and president of the Society for the Propagation of the Gospel, found it necessary to explain the conduct of his association.

Two years after Dr. Chauncy had given his account of the Indians, the Archbishop published an *Answer to Dr. Mayhew's Observations on the Charter and Conduct of the Society*; and he wove rather laboriously the tissue of apostolic operations among the Iroquois. This was for the public. Privately, he had written to the Rev. Dr. Caner, of Boston, desiring that gentleman to "inquire concerning both" the Scotch Society, and the original company of Cromwellian and Stuart times, "whether they have conducted themselves more agreeably to their charters than our Society hath." It appeared that all alike had sinned, and stood in need of the glory of God.

*Work of the William and Mary S.P.G., 1701-1762.*

*The violation of all the societies' charters.*

But Caner had already answered a previous letter in these terms: "Your Grace thinks it may be objected, that your society have done little towards converting the Indians. I confess they have done little; and yet I think they could not have done more; nor perhaps ever will be able to do anything considerable, till the civil government have done more than they have yet done, to facilitate such an undertaking. It is a popular topic for the dissenters to expatiate upon; and wise and understanding men look upon it in that light; who very well know that, if your society have done little, they have done still less."<sup>1</sup>

The occasion for what was going on at this moment, for the espionage and the despondency, had been partly remote, and partly proximate. Remote, and more or less openly confessed, was the opportunity afforded by the occupation of Canada to appropriate the Jesuit estates, the property of other religious communities, and that

Alison reports of white people, the Cadiz revolutionists of 1811, who, having thrown off Catholicity, did not become Protestants, but Parisian infidels. He says: "Unfortunately, when emancipated from the shackles of the Roman creed, they had not judgment and principle enough to revert to the pure tenets of the Catholic or universal Church" (Alison, ix. ch. 65, § 21). This is the phenomenon which we noted above in the case of Gibbon and Chillingworth (*supra*, p. 289, note 2). Blinking the argument that people will take the whole thing or none, Alison simply asserts that Catholicism is a half-way house to Protestantism: "The Roman Catholic worship," says he, "is the transition state from heathenism to Christianity." Anxiously excusing himself for any semblance of bigotry, he plunges deep into the forests of South America, and into a parody of Jesuit influence. (Ch. 67, §§ 38-40: The Missions. The Jesuits.) Alison's relay theory of the half-way house fared as badly in the Abenaki and Iroquois country as in South America, Cadiz and Paris; or with Chillingworth and Gibbon.

<sup>1</sup> Lambeth Pal. MSS., *loc. cit.*, Secker, September 15, 1763.—*Ibid.*, No. 288, Caner, December 23, 1762, to Secker, answering a letter of August 11.

of the Catholic Church generally in the territory of Quebec. Only thirty days had elapsed since Montreal capitulated to General Amherst, when Caner took up his pen, told the Anglican archbishop the particulars which he had heard about the Jesuit estates, and enlarged upon the "noble opportunity," he said, "of providing a fund for the maintenance of two or three bishops for North America." What he called "the happy scheme" he enforced: "Quere, whether the estates formerly [!] belonging to the bishopric of Quebec, to the Jesuits and other religious Orders at Canada, be not more than sufficient for that purpose?" He established the canonical rectitude of such a proceeding: "Since these estates have already been separated to the support of religion, whether it would not be the most natural application of them?" Before he finished his letter he seems to have been ashamed of himself, just flattering himself, said he, that "your Grace will not be displeased at the hint I have suggested," and undertaking not to betray himself in such a bandit's guise elsewhere. But he need not have been ashamed, if it was company he needed. We find the identical proposition, in almost the same terms, coming from the back parts of Pennsylvania; for the affection, which the Rev. Mr. Barton of Lancaster bore to the Church of England, "would not suffer me," he said, "to omit any hint that might be of advantage to her." Mr. Barton was writing to the secretary of the S.P.G.; Caner to its president.<sup>2</sup>

There was a more proximate occasion for the espionage organized and the despondency felt, than merely ogling Canada for spoils. A provoking act of assembly had been passed by Massachusetts Bay, to incorporate a new and American society for evangelizing Indians. This was the immediate occasion for an ecclesiastical war. A formal attack was delivered by the English S.P.G. on this Massachusetts S.P.G., which, if it were allowed to rise from the soil of Nonconformist

<sup>2</sup> Lambeth Pal. MSS., 1128, iii. No. 205, Caner, Boston, October 6, 1760, to Secker. —Perry, *Pa.*, p. 368, Barton, November 16, 1764, to secretary S.P.G.—In the House of Commons (May, 1906), a speaker of the Nonconformist party, Mr. Rendall, on the subject of the Welsh Disestablishment Bill, said in language, flippantly biblical, but bitingly historical, that the Church of England lived, moved, and had her being in confiscation; her churches were confiscated (from Catholics); and the very trusts, which more or less she carried out, were those of another Church. Two hundred years before, the pietist Daniel Falckner, in his "Curious Relation from Pennsylvania," made a wider application of this same fact, as he contemplated what Catholic missionaries did and suffered all over the world, and what the Evangelical shepherds did not. "Oh!" he exclaimed, "how softly have our gentlemen heretofore nestled in the establishments, which Popery for the most part had built before them, and how quickly they have tucked away in a handkerchief the plunder, which God gave them by the Reformation!" And he went on to quote Luther's denunciations. (*Curieuse Nachricht* (1702), p. 69.)—On Barton, see his palinode, *infra*, p. 504.

New England, would do away with the monopoly of pious contributions enjoyed by the society in Old England, and with the chief pretext for its existing at all. The best title to be, to gather funds, and to settle ministers, was the helplessness of poor America to provide for itself and its Indians. This had been the leverage used by the Rev. Thomas Bray; and, before him, by Eliot of Boston.

An old  
monopoly  
at stake.

Dr. William Smith, provost of the Anglican college at Philadelphia, enlarged upon this—how “the very subsistence” of the English society was affected; and he prognosticated that an American society, with its local advantages, would “dry up many of those charitable sources, from which support is now drawn [*by the English society*], and go near perhaps to bring its very being into jeopardy.” Caner indulged recklessly in a suicidal argument, that neither the English nor the Massachusetts association could really do anything for the Indians, because these were Indians; and therefore the Massachusetts society should be suppressed—with their “pretence,” he wrote, “of spreading the knowledge of true religion among the Indians (a scheme in its nature impracticable, and which upon experience has always been found such, till those Indians are first civilized).” But, reviving a little from this sense of suicidal depression, he said, half a year later, just before the Massachusetts society was fairly killed, that, with the conquest of Canada, “so remarkable a crisis, it is natural to imagine, will fall under such regulations, as will either greatly establish the Church of England, or the Dissenting interest, in this part of the world.”

The meaning of these conflicting sentiments, and this apparent contradiction was candidly developed by Dr. Samuel Johnson; who brought up, indeed, the old stalking-horse of “Indians” as being in prospect, but pointed plainly to Papists as being in view—the former long ago despaired of as religiously hopeless, the latter, as hopelessly religious, and to be made ecclesiastically penniless. He said that he doubted not but provision was already made in Canada for an Anglican bishop—at whose expense he did not precisely state—“and if he [*the bishop*] had some good missionaries with him from the Government, he might do much good in converting both Papists and Indians.”<sup>8</sup> Thus the discordant

Concordia  
discord-  
antium.

<sup>8</sup> Lambeth Pal. MSS., 1128, No. 281, W. Smith, London, November 22, 1762, to Secker.—*Ibid.*, No. 269, Caner, Boston, August 9, 1762, to Secker.—*Ibid.*, No. 290, same to same, January 7, 1768.—*Ibid.*, No. 316, S. Johnson, Stratford, August 10, 1768, to Secker.



sentiments which agitated minds, regarding Indians and Canada, resolved themselves into the harmonious conception of converting Papists' souls one way, and converting Papists' property in another.

Such were the forces in array, and the interests at stake—for one side to get if it had the power, for the other to keep if it could ; for both, to be alert and pounce on Canada. A furious battle of books and pamphlets raged for several years, till the field was covered with the dead. The English society was completely routed ; and Secker of Canterbury humbly begged for quarter. The American society was utterly stifled ; and its members went growling to join the old Scotch society. Not even the Papists, though quite guiltless of contention, were allowed to pursue their way unscathed ; for Secker and his hive, flying from the furious New Englanders, could at least sting Jesuits and Papists, though they died in the effort. "French Jesuits from Canada," wrote he, "instilled into them [*the Iroquois*] jealousies by false assertions, which Popish missionaries never scruple."<sup>4</sup>

*Venenum*

*Morsibus inspirant, et spicula coeca relinquunt  
Affixae venis, animasque in vulnere ponunt.*

While we show the distressful scene of a field covered with the internecine carnage, we shall find the air to be cleared for our view of Jesuit operations among the Iroquois.

§ 163. The Boston plaintiffs, a compact and resolute body of dissenters, arraigned the English defendants of the S.P.G. as intruders in America. What was the S.P.G. doing in America at all ? The demand for the reason why took the form of a charge proceeding on two main counts ; whereunto a third and subordinate one was annexed. First, why were these Anglicans trying to force an episcopate on the good Americans ? Secondly, why were these English missionaries nestling so comfortably in good places where they were not wanted, instead of spending their abilities and their livings in the service of Indians, who needed them very much, and who were the object, said the plaintiffs, of the S.P.G.'s existence ? Thirdly, the S.P.G.'s published reports of work done among the Indians were exaggerations and falsifications.

Arraignment  
of S.P.G.  
intruders in  
America.

The first of these heads, that on the Anglican episcopate, is of

<sup>4</sup> Lambeth Pal. MSS. 1128, No. 309, Caner, Boston, June 8, 1768, to Secker, on the Boston derelicts.—Secker, *Answer*, p. 41, on the Jesuits.

more consequence to us for a colonial, than for the Indian question. It was precisely at this time that an ill-advised effort was being made in London to provide a Catholic bishop for Maryland and the English colonies, one who, to his character of being a bishop, would have added the disqualification of being a Popish one.<sup>1</sup> The second head, that of serving the Indians, will show us where fifty years of English domination and apostolate had left the Iroquois, from the time when the last Jesuit left their cantons (1709). The third head, that of exaggerated reports, is of critical value.

In the endeavour to establish an Anglican episcopate on the soil of the American colonies, the London Society for the Propagation of the Gospel had proceeded far from the first years of its existence and of the eighteenth century. We have seen Germination and development of the bishopric idea. Dr. Bray himself, the founder, not at all unwilling to become, in Roman fashion, a bishop *ad partes infidelium*; and he manifested his sentiments on the subject, while prospecting the country from Maryland to Newfoundland as one comprehensive diocese.<sup>2</sup> In 1703, the S.P.G. presented for royal consideration "The Case of Suffragan Bishops"; and, in 1713, "A Representation to be laid before her Majesty [*Queen Anne*] for procuring Bishops and Bishopricks in America." In 1715, King George I. was petitioned to put in execution the scheme of appointing four bishops, as already approved of by Queen Anne.

Zealous individuals were not idle. In that same year, 1715, Tenison, Archbishop of Canterbury, left by will £1000 for the purpose. The Rev. John Talbot of Burlington, N.J., precipitated matters. Anglican stipendiary though he was of the S.P.G., he was bold enough to obtain consecration from two non-juring, that is, non-Anglican bishops; returned to America in 1722; performed some episcopal acts; but was cashiered by the Anglican S.P.G. of the Archbishop of Canterbury. In New England, several distinguished Congregationalists having passed over to the Episcopalian communion,<sup>3</sup> one of them in particular, Dr. Samuel Johnson, became an ardent advocate of the bishopric. Dr. Gibson, Bishop of London, and Ordinary of America, ventured to appoint a Maryland clergyman, Rev. Mr. Colbatch, as his suffragan (1727); but the civil administration in Maryland arrested farther developments by arresting the movements of Colbatch, with a writ against him, that he should not leave the Maryland realm, "*Ne exeat regno.*"

<sup>1</sup> *Infra*, ch. xviii.

<sup>2</sup> *Supra*, p. 306, note 4.

<sup>3</sup> Dr. Samuel Johnson, Cutler, Brown, Wetmore.

In 1741, a date at which some persons have imagined that a Catholic bishop and bishopric should have been set up in America,<sup>4</sup> Thomas Secker, Bishop of Oxford, revived the question in an important sermon delivered before the S.P.G. He did not omit to note and minimize the two great difficulties in the situation, that the colonies were antagonistic, and that they might be impelled by such a novelty to revolution.<sup>5</sup> Bishop Gibson offered the king and council £1000 towards the maintenance of an American bishop (1745); and some bequests were on hand from pious people. In 1754, Lord Halifax, president of the Board of Trade, was favourable to the project.

But the project was already notorious in America; and it had become rank with politics. The independence of the country was at stake. While the idea of Archbishop Laud under Charles I. was perceptible in the minds of the English promoters, "No bishop, no king," the answer of the Cromwellians, who had disposed of both Laud's and the king's heads, was the undertone with the colonial recalcitrants, "No king, no bishop."<sup>6</sup> Mayhew sneered: "In a certain island, the king is head of the Church"; which shocking observation, reported by Dr. Smith of Philadelphia to the prejudice of the Boston Propagation Society, was bracketed by the archbishop, Secker, with a note, that it was not to be copied, nor read at the council table. But the words which followed in Smith's harangue were not bracketed: "Now it may be submitted," wrote he, "how proper it is to trust the religious instruction of our Indian friends to those who deny the supremacy and even authority of the king in all religious matters!"

W. Butler, Bishop of Durham, endeavoured to assuage the feelings of American dissenters by reducing episcopal powers to their very smallest expression (1750). Such plucking of the episcopal system made it, as Chauncy showed, neither one thing nor the other, nor a system at all.<sup>7</sup> But, after 1760, the spectacle of the glorious prize in Canada, the *spolia opima*, which stood exposed there for an Anglican bishop to snatch

<sup>4</sup> *Infra*, p. 596, note 6.

<sup>5</sup> For an extract from the sermon, see Brodhead, vi. 906, note; where also a quotation is given from John Adams.

<sup>6</sup> Neither party foresaw the great development of the future: *No dogma*, no bishop, no king; and, *vice versa*, No king, no bishop, *no dogma*. Disraeli taunted Dean Stanley with "No dogma, no dean." To this, we take it, the answer is given on Dean Stanley's tomb-stone in Westminster Abbey: Thy commandments "are exceeding broad."

<sup>7</sup> Cross, 122-124, 174, 175.

from the Catholic Church, betrayed some American advocates of the bishopric into public expressions of their ardour; and this gave occasion for the great battle between the English party commanded by Secker and the New England party championed principally by Mayhew.

At the same time, while both parties were eyeing Canada, Sir James Jay, collecting in England for King's College, New York, and Dr. William Smith, who was also collecting for his college in Philadelphia, drew for the king, the nation, and the Archbishop of Canterbury, a pitiful contrast between the state of intellectual culture in the new acquisition of Canada and the uncultured backwardness of the old English colonies. "What should be the more animating," wrote Smith to Secker, "is the amazing pains, which the emissaries of a false religion have taken, and the multitude of establishments which we find they have made under the public sanction, in all the countries that we have recovered [1] from them; while the labors of the venerable society over which your Grace presides, and a few seminaries of learning, chiefly of a private establishment, is the most that we can boast of in this way." Sir James Jay, on behalf of New York, used almost identical terms in his petition to the king. His Majesty rehearsed the same language in his brief to the nation, paying the compliment to his English colonies, that they were "a remote wilderness," in which the object was, "not so much to aim at any high improvements in knowledge, as to guard against total ignorance."<sup>8</sup>

#### § 164. The New England Nonconformists objected to the

<sup>8</sup> Cross, *The Anglican Episcopate and the American Colonies*, pp. 100-108, 105, 108, 110-112, 122-124, 133, 184, 174, 175, 204, 213, 246.—Plummer, *The Church of England in the Eighteenth Century*, pp. 177, 178.—Lambeth Pal. MSS., 1123, iii. 259, S. Johnson, N.Y., April 10, 1762, to Secker, on the publicity of the plan.—*Ibid.*, 257, Smith, London, March 29, 1762, to Secker, on Canada.—*Ibid.*, 270, the royal brief, August 19, 1762.—*Ibid.*, 282, Smith, November 23, 1762, "Remarks."—Brodhead, vii. 643-645, Jay's petition to the king, London, July 17, 1764.—Hawks, *Contributions*, ii. *Md.*, 181-187, on Talbot, Colbatch, etc.

Jay, in his petition to the king, says that King's College, now Columbia University, in New York had its origin in "a just sence" of Catholic influence and of Protestant impotence; of "the amazing pains which your Majesty's Popish enemies were everywhere perceived to take," and their "many establishments" on the one side, while, on the other, "your Majesty's numerous subjects there remained too liable to their corruptions." Hence the college was erected in New York "to guard against total ignorance." On these grounds he prayed for a gift of 20,000 acres in the province of New York, alleging the antecedents (chiefly Catholic) of the "universities in Britain and Ireland," which "were liberally endowed with lands by your Majesty's illustrious predecessors"—wherein he either swerved from historical precision, or established for himself a claim to ignorance with the rest. The university colleges of Great Britain had been chiefly founded by the private benefactions of Catholic bishops, nobles, guilds, monks, and priests. However, the Lords of Trade endorsed Jay's petition in favour of the allowance, to the amount of 20,000 acres (Brodhead, vii. 645, 646).

appearance of a bishop among them on the ground that such a personage was not conformable to them either ecclesiastically, or politically, or personally.

Ecclesiastically they considered that the Society for the Propagation of the Gospel, which was maturing and disclosing this precious project, had been intended to spread the Gospel among the heathen, not to "episcopize" the colonists, not to convert Presbyterians and Congregationalists, nor to "persuade Christians to become Christians"—a proceeding inconsistent with the society's charter, and with the expectations of the public, who were the financial contributors. Mayhew reasoned that a sum of £35,000 sterling, misapplied in the course of thirty-two years to the conversion of New England, might at least have been spent with profit on some of the southern colonies, where "many Roman Catholics and slaves" could be converted, and many other people provided with some religion.<sup>1</sup> He argued from the charter of the S.P.G. that the three natural enemies of the "orthodox ministers" contemplated in the S.P.G.'s charter were atheism, infidelity, and Popery.<sup>2</sup> Why, then, had these orthodox ministers been trying to convert the saints of New England during thirty-two years, at a charge of £35,000? In this, said Mayhew, the Protestant S.P.G. was imitating the practice of the Romish Society *de Propaganda Fide*. Here we may give at once the peremptory answer of Secker; that the Popish Propaganda had always meant to convert people, "which ours hath not done."<sup>3</sup> Besides, we note that Mayhew and other importunate champions of New England's integrity were not sufficiently informed on historical antecedents. They did not know that, one hundred years before, the Lords of Trade and Plantations had desired Compton, Bishop of London, to send over orthodox and able ministers who should evangelize Boston itself.<sup>4</sup> However, there was no resisting the tide of New England's destiny and of old England's fate. At the very moment when Mayhew and Secker were quarrelling, word

A bishop,  
ecclesiasti-  
cally un-  
reasonable.

<sup>1</sup> Mayhew, *Observations*, pp. 112-114.

<sup>2</sup> *Ibid.*, p. 21.

<sup>3</sup> Secker, *Answer*, p. 58: "The Popish Society *de Propaganda* never was blamed in sermons before ours for supplying those of their own communion with the means of their own worship; but for making it their principal employment to bring over other Christians to that worship, which ours hath not done. . . . [P. 55] In these circumstances, the guilt of Ananias and Sapphira is very unjustly thrown *in terrorem* by the Doctor, according to the old custom of his party, which I hoped had been quite laid aside, of discharging misapplied texts of Scripture in the faces of such as happened to offend them."

<sup>4</sup> P. R. O., *Cal.*, v. 881; February 6, 1679.

came to the archbishop that in Pennsylvania Dr. Smith's Anglican college of Philadelphia, for which its provost was collecting funds in England, was slipping in his absence under the complete control of Presbyterians.<sup>5</sup>

Politically, the case against a bishop was turned to the profit of the coming revolution. In the face of episcopal aggression, religious nonconformity was popularized into a political <sup>Politically</sup> campaign against civil allegiance. Recreant Britain <sup>aggressive.</sup> was attacking America with priestcraft. Samuel Adams, foremost politician of the Revolution, "hated kings, but most of all Popes and bishops."<sup>6</sup> John Adams, more distinguished still, recorded subsequently this episcopal question as the fifth among twelve principles of the American Revolution.<sup>7</sup> He represented the common people as having reasoned in an extraordinary fashion; that, witnessing the establishment by Parliament of a Catholic bishop in Catholic Canada, "they began to see and freely to say" that, if the authority of Parliament could be abused so, then "Parliament had no authority over them in any case whatsoever."<sup>8</sup> Such an inference drawn from such premises was a curiosity; but, from any premises or none, it was already a foregone conclusion during a long period before. Half a century previously, the royal surveyor, Colonel Dunbar, had reported from Boston that people there "have asked me," wrote he, "what right the king had to any lands here, and how he came by such a right"; and there were men who in their Indian deeds—thirty miles square sometimes taken for fifty skins—had "warrantees to defend the possession against all persons whatsoever," evidently not excluding the King of England from the category of unjust aggressors.<sup>9</sup>

Personally considered, a prospective bishop was altogether intolerable. In 1750, Mayhew said from the pulpit: "People have no security against being unmercifully priest-ridden, but <sup>Personally</sup> by keeping all imperious bishops, and other clergymen <sup>intolerable.</sup> who lord it over God's heritage, from getting their feet into the stirrup at all."<sup>10</sup> Newspaper polemics in 1768 expressed the same idea in another way, that indulgent Heaven should interpose, and

<sup>5</sup> Lambeth Pal. MSS., 1123, No. 320, Secker, September 15, 1763, to Duché.—See Perry, *Pa.*, pp. 389–391.

<sup>6</sup> *Researches*, xxvi. (1909), 386.

<sup>7</sup> *Mass. Hist. Soc. Coll.*, 5th series, iv. 348; July 20, 1807, to Mrs. Warren.

<sup>8</sup> Morse, p. 200; J. Adams, December 2, 1815, to Morse.

<sup>9</sup> P. R. O., *N.E.*, 1, ff. 168–178<sup>v</sup>; Dunbar, Boston, December 10, 1729.

<sup>10</sup> However, with the preacher Mayhew dogmatizing thus in the pulpit compare Randolph on preacher-ridden Massachusetts. *Supra*, p. 106.

not suffer "the right reverend and holy tyrants to plunge their spiritual swords in the souls of their fellow creatures." If one of these "speculative mortals immured in a study" pretended to come in, then "let him be an ecclesiastic besides, and impelled by the two irresistible momentums of the glory of God and the salvation of souls, and how can he refrain from adopting the Popish comment upon the text, 'Compel them to come in'?" With a threat that the scenes of violence arising from the Stamp Act would be renewed, a writer declared: "Nor would I be answerable for the safety of the ablest prelate that ever wore a mitre, was he to arrive in this country, under the character of a Protestant American bishop."<sup>11</sup>

Thus the question of an American bishopric resolved itself into that of colonial independence. Forces, both lay and clerical, which were divided into such as favoured, and such as were for severing the dependence of America on Great Britain, agreed in treating and denouncing the bishopric proposal, for contradictory reasons; the loyalists, because it would lead to political separation,<sup>12</sup> the revolutionists, because the agitation was actually doing so. The dissenting colonies of Connecticut and Massachusetts, as well as the house of burgesses in Anglican Virginia, alike took measures to stop "the pernicious project," as Virginia expressed it, "of a few mistaken clergymen for introducing an American bishop."<sup>13</sup> The day was not far distant when Maryland, forgetting its legislation to prevent the growth of Popery, but not forgetting the cast of its laws against Popery, passed a sanguinary act "to punish certain crimes and misdemeanors, and to prevent the Growth of Toryism," that is, allegiance to Great Britain.<sup>14</sup> And yet, while all these movements were in progress, some one, who corresponded exactly to the description just given of "speculative mortals immured in a study," advocated the introduction of a bill in the House of Lords, "to introduce episcopacy," wrote he, "into all our plantations, as no time can be so proper as the present."<sup>15</sup>

<sup>11</sup> Cross, pp. 145, 192, 198, 199 note, 201; Mayhew, and newspaper polemics (London, N.Y., etc.), 1750-1770.

<sup>12</sup> Cf. Cross, pp. 222, 225.

<sup>13</sup> *Ibid.*, pp. 225, 226; 1769-1771.—Of *Mass. Hist. Soc. Coll.*, 5th series, ix. 390, 412, 418, correspondence of Jonathan Trumbull, Hartford, and W. S. Johnson, Westminster, 1769, 1770.

<sup>14</sup> P. R. O., *Md.*, 204, pp. 229-238; Laws, February, 1777, c. 20.—A modern, Sir George Trevelyan, has inferred that, in their opposition to a bishop, the American people anticipated the Monroe doctrine, applying it to ecclesiastical affairs; and that the Non-Importation agreement held good against bishops as well as against all other British products.

<sup>15</sup> *Researches*, xv. 48; *Pa. Journal*, May 25, 1774. News from London.—The

This will suffice for the bishopric aspirations of the London Propagation society. What we have said is to be connected with a chapter below, on the subject of a Catholic vicariate apostolic.<sup>16</sup> We now come to the Indian record of the S.P.G., Canterbury and New England discussing the past history of the Iroquois.

§ 165. In a place just quoted, John Adams delivered his charge against the S.P.G., using this form of complaint: "The Society for propagating the Gospel had long perverted their re-  
sources from their original design [*of evangelizing* <sup>Charges of wilful neglect.</sup> *Indians*] to the support of Church of England ministers [*in New England settlements*]." He had beheld the ominous swarm alighting in all towns from New Haven to New York; in New Hampshire, as well, in Rhode Island, Massachusetts; he himself, he said, being of "Braintree, now called Quincy, in which I was born and bred; and in which my father, grand-father, great-grandfather, and great-great-grandfather lived, died, and lie buried."<sup>1</sup> And these men, thus alighting on the graves of the saints, should all the time have been in the wigwams of the Indians. Douglass had said: "The missionaries from the society do not in the least attempt the conversion of the Indians, because it requires travel, labour and hardship." Mayhew, quoting this stricture, said considerably that it was "not literally true of *all* the missionaries in America."<sup>2</sup> Perhaps the severest cut was Mayhew's narration of the circumstance that the S.P.G., its president the Archbishop of Canterbury, and the Court of St. James, had been moved to do something in the time of Queen Anne, by hearing read at the council board the remonstrance of the Catholic Praying Indians, who, some ten years earlier,<sup>3</sup> had charged the English with irreligiousness, and had given the entire credit of their Christian felicity to the French of Canada.<sup>4</sup> It had been only then, on April 28, 1710, that the S.P.G. formulated a regular plan of campaign, after consulting Colonel Nicholson, Colonel Schuyler, and the four Iroquois sachems who were in London.<sup>5</sup>

So we come to the missionary record on that same territory, which under the pressure of an Anglo-French war the last Jesuit

simple man quoted the astute Bishop Warburton's *Alliance between Church and State*.

<sup>16</sup> Ch. xviii.

<sup>1</sup> Morse, pp. 198, 200.

<sup>2</sup> Mayhew, *Observations*, p. 119.

<sup>3</sup> *Supra*, 294.

<sup>4</sup> Mayhew, *Ibid.*, pp. 128, 129.

<sup>5</sup> P. R. O., 58, f. 75; minutes of S.P.G., April 28, 1710.



had left in 1709.<sup>6</sup> It was admitted by Secker that, between 1730 and 1761, the great missionary society had indeed spent £35,000 on New England, besides incidental charges for books distributed, etc. But, far from admitting that the conversion of Indians had not been attempted, he affirmed that the society's missionaries had made the attempt over and over again. In the course of his explanations and in the kindred literature, three pleas stood out distinctly.

First, there was the everlasting reason that the Indians were Indians, should first be civilized like whites, and then be Christianized. Secondly, Edmund Keene, Bishop of Chester, **Excuses offered.** quoted for Secker Mr. Mauduit's observation in favour of the new Boston society (1762): "The number of converted Indians was likely to be so few, that it was of little import whether they were of the Church of England, or of any other Protestant persuasion."<sup>7</sup> This awkward admission of the Massachusetts agent dropped from his lips at the moment when he was promoting in London the Boston Propagation society; and it might give some plausibility to the imputation, that the said institution of Boston was indeed devised for reasons other than that of converting Indians. A third circumstance was made plain by civil and military authorities. Indians, they said, who had remained in contact with the English were so utterly corrupt, that extermination was the only policy to adopt, if and when such a policy was practical enough to be executed. Men so moderate as Sir William Johnson and Croghan treated with calmness of this contingency.<sup>8</sup>

But Mayhew with justice observed in 1763: "It is certain from authentic records, even from several publications of the society [*S.P.G.*], that the Five, *alias* Six Nations [*of Iroquois*], a respectable and warlike people . . . have not only been our good friends and allies all along, but, for more than half a century past, very favourably disposed towards Christianity; at least, towards entertaining missionaries among them. Their chiefs have even petitioned for them repeatedly; of which the society was duly advertised by the Governor of New York, as appears from the *Abstracts*, etc."<sup>9</sup>

Sir William Johnson, Indian superintendent of the Northern Department, made a similar statement to the Lords of Trade in the

<sup>6</sup> The volume of State Papers, in which the missionary plan of campaign is entered, has for its title, *Canada Expedition*, 1710-1718. The Iroquois were engaged by the English to campaign against the French.

<sup>7</sup> Lambeth Pal. MSS., 1128, iii. No. 294, Keene, February 1, 1763, to Secker.

<sup>8</sup> Cf. *infra*, p. 411.

<sup>9</sup> Mayhew, *Ibid.*, pp. 119, 120.

same year. He lamented that there was no procuring Jesuits among English Protestants; and yet, he subjoined, they must be had. He said: "The French, who greatly outstripped us in making proselytes, sent Jesuits and others among the Indians, who lived in their castles, and took care to form them by their immediate example and precept. I fear we shall be unable to procure such persons amongst our clergy; but I would humbly recommend the necessity there is for sending some such persons amongst the Mohawks and Oneidaes in particular—these two nations having a very religious turn, and desire for learning the Christian religion, in which many of them are become great proficient." Johnson himself was practically their missionary; "for," he went on to say, "I observe with regret that few of our people can be found who will sacrifice the advantages and enjoyments of life, to [go and] reside in their [Indian] villages—without which they are of little utility." He described the missionary corps, which was anywhere except among the Indians, and was "unable to speak the language." Implying that some missionaries had treated directly with the natives, he added: "There have been other missionaries, who have too often used their influence in obtaining grants of land, which gives the Indians the most unfavourable opinion of their worldly and interested views. The Mohawks lately told me, that they apprehended the reason, they had not clergy as formerly among them, was because they had no more land to spare."<sup>10</sup> Johnson told an amusing story of what resulted from preaching by interpreters. A gentleman came from Boston and preached on the text: "God is no respecter of persons." The interpreter, who was the best in the country, expounded the text to the Indians thus: "God had no love for such people as them." Johnson was present, corrected the translator, and became interpreter for the rest of the discourse.<sup>11</sup> A pitiable spectacle, that of poor people harassed like sheep without a shepherd, and steeped in vice, because there was no one to teach them virtue!

Johnson, who was himself, as he said, a (contributing) member of the S.P.G., took note of the bishopric question, and gave it a turn which was new. Looking at the 130,000 Indian souls, whom in 1773 he computed to be under his superintendence between the Atlantic and the Mississippi,<sup>12</sup> he connected the institution of a

<sup>10</sup> Brodhead, vii. 579, 580, Johnson, November 13, 1768, to Bd. Tr.

<sup>11</sup> *Ibid.*, 970.

<sup>12</sup> *Ibid.*, viii. 459; October 22, 1773, to Tryon.

Protestant bishopric with successful missionary work at last among the Indians—the bishopric being a purveyor for the missions.<sup>18</sup> He seemed to be quite unaware of the circumstance that, during the seventy odd years of its existence, the S.P.G. had made the same connection in precisely the opposite sense, that the missions were a purveyor for a bishopric.

All these declarations, however, and confessions from so many quarters were mere generalities, which do not satisfy curiosity. What were the particulars of the great missionary society's work? Mayhew succeeded in extracting them from the Archbishop of Canterbury.

§ 166. Secker said that, in 1702, the very first year after the S.P.G. was founded, a reverend gentleman was sent to the Indians bordering on South Carolina; but, though sent, he was then disposed of "another way." Rev. Mr. Thoroughgood Moor was "prevailed on" to approach the Mohawks. He did so; promised them somebody else besides himself; and, "after near a twelvemonths trial, he left them, and was soon after lost at sea." Mr. Barclay, "in or before 1709," tried with the same Indians "all the methods he could, to engage them to be instructed in our language and religion, but with very small success." They were savages.

In 1710, four sachems came over to England; and were feasted, and sent back with honour. The Rev. Mr. Andrews followed them, with a salary for himself of £150 sterling, besides the provisions for an interpreter and a schoolmaster. Impressive was the inauguration of his mission. But the Indians and Mr. Andrews found one another out reciprocally. He found they were Indians; and they did not fail to discern what he was. So the Society "recalled him, after a trial of six years." Even the four sachems had "become savages again." All that, said the archbishop, was owing to the "false assertions, which Popish missionaries never scruple."

Secker here posed with gravity: "I beg the reader to compare these relations, taken from authentick papers, with the Doctor's [*Mayhew's*] unauthorized suggestions, that the missionaries told what stories they would, and the society believed them without examination, or wilfully neglected this part of their business." Other missionaries were sent afterwards, "and with some effect" down to the year 1735, when another Mr. Barclay was despatched to the

<sup>18</sup> Brodhead, vii. 1002; December 8, 1767, to Shelburne.

Iroquois; but, some ten years afterwards, "about the year 1745 . . . it was no longer safe for Mr. Barclay to remain among them." Secker said, it was "the French" this time that were in fault: "they had infused such dreadful imaginations into our Indians, and incited their own into such violences."

Mr. Ogilvie succeeded Mr. Barclay in 1748; but the Indians were largely gone to Canada. Ogilvie wanted institutions for Indian children who would not come to them. He was carried off for his Majesty's service in 1758; and, "in the mean time, the Rev. Mr. Brown supplies his place." Several "occasional" attempts had been made by several missionaries, "one of which, by Mr. Beach, he [Mr. Beach] saith, was frustrated by the dissenters prejudicing the Indians against him." Now it was the dissenters who had spoiled the work.

Thus, at the date of the archbishop's writing, 1764, all the apostolic efforts of these good and zealous men had been defeated by dissenters, by French, by Popish missionaries, and most of all by Indians. The ministers had succeeded, however, in drawing salaries. Secker deprecated "the guilt of Ananias and Sapphira" being laid at the door of the society. Then he added: "'What is past' as the Doctor observes, 'cannot be recalled.' But, if mistakes have happened, they may be avoided for the future, and the society is not above altering its measures. Doubtless, it would have liked, and might have expected, civiler and fairer treatment, than he hath vouchsafed to give it. But, however, *fas est et ab hoste doceri*.'" <sup>1</sup>

The material which Secker brought out in the controversy was taken, as he said expressly, from "authentick papers." These authentic papers caused him trouble. Two years before he wrote, the Rev. Henry Caner had put him on his guard: "There is one thing which, I have observed, has been and continues to be of more disservice to your society, and gives the dissenters greater advantage than anything else that I know; and that is the unguarded accounts of some younger missionaries sent home to the society, and too literally published in their *Abstracts*"; and the reverend gentleman proceeded at length on that subject, about "softening" the terms of such accounts, or taking other measures. Secker had referred the point to Dr. Samuel Johnson; and this gentleman, who just then was resigning the presidency of King's College, New York, said plainly that the *Abstracts* "heretofore"

Authenticity  
of the stories  
suspected.

<sup>1</sup> Mayhew, *Observations*, pp. 21, 112-114, 119-121, 124-130, 158.—Secker, *Answer*, pp. 38-44, 52-58.

had not been "always made with sufficient care and caution; things of no use have been inserted, and even figures have sometimes been mistaken or misprinted." Secker had already desired both of these correspondents and others to give warning, if accounts were too highly coloured, or glowing.

In the mean time, he instructed all to use with the redoubtable New England dissenters the way of "mild expostulations." Questions should be put to their conscience "in a serious but gentle manner." "Allowances should be craved for the misinformations which the society may have received." The dissenters too "perhaps in some like things" may have need of allowances; and "mutual moderation, always a Christian duty, is more especially needful when we are surrounded by unbelievers, eager to take advantage against us all." Dissenters should please "consider, whether they are perfect; and whether ludicrous, virulent, exaggerating language is the Christian method of treating religious subjects, and the conduct of brethren who differ from each other in opinion." He desired that a certain author should be entreated to "consider, as one who must give account of every idle word, what spirit he hath shown himself to be of." He wished, not a justification to be presented, but an excuse to be offered for the past.<sup>2</sup>

Dr. Johnson, to whom the archbishop gave this recommendation, answered that he and Caner had published a reply to Mayhew. Scouting the pretensions of the old Anglo-American and the Scotch societies to any credit for efficiency, he happened to give in a few words the history of all the societies taken together, including Secker's London association to which Dr. Barclay belonged. He wrote that Caner "has remarked on their societies, much as your Grace mentions. I know of but two or three little clans of a kind of Christian Indians they have; not many more, I believe, than Dr. Barclay had." Mr. Caner was equally candid. He said that the dissenters had "endeavoured to establish one mission at Stockbridge or Housetoonuck, for the benefit of the Indian and English settlers in those parts; tho' now, since the war commenced, dwindled to nothing, like that of your society's attempt among the Mohawks." He made some philosophical observations: this, he said, "will always be the case with such missions, till the Indians are civilized, and brought to some regular method of living." As to

<sup>2</sup> Lambeth Pal. MSS., 1123, No. 288, Caner, Boston, December 28, 1762, to Secker.—*Ibid.*, No. 816, S. Johnson, Stratford, August 10, 1763, to Secker.—*Ibid.*, Nos. 277, 301, 319, 320, 325, Secker, October 6, 1762; March 30, September 15, September 28, 1763; to Caner, Johnson, Duché.

the moral standing of the ministers, he propounded: "This I can truly say that, without such boasted pretences to godliness, the professors of the Church of England here, in general, in point of moral character are at least equal to the dissenters." Such were the religious assets, active and passive.

The social assets, viewed on the active side, that of the missionaries, were no doubt satisfactory. We have heard the layman, Sir William Johnson, bearing testimony thereto, and saying that "few of our people can be found who will sacrifice the advantages and enjoyments of life" to go and work among the Indians.<sup>3</sup> The ministers enjoyed a comfortable life at home.

The balance,  
active and  
passive.

Of the assets on the passive side, that of such natives as happened to be anywhere near the ministers' homes, the same Indian superintendent drew more than once a lamentable picture. They were only "small flocks," he said, "the remains of a few tribes who are daily dwindling away, and who have little or no intercourse with, or influence over the other nations; on the contrary, their example is rather discouraging to them [*the other nations*]; for, whenever they happen to meet, they [*of the little flocks*] appear so poor, so unlike the character which is only estimable by the rest, and make so many complaints about the loss of their lands, that the rest despise them; hate us as the cause of their misfortunes; and, not being capable of perceiving that they have made any material acquisition to compensate for what they have lost, entertain a prejudice against religion itself."<sup>4</sup>

One philosophical reflection that was made clearly called for qualification. Caner wrote: "We are a rope of sand. There is no union, no authority among us." Now, granted that there was no union which came of a common love, there was still a union which sprang from a common hate. Mayhew himself here had shaken hands with the Anglicans. He said: "As to the superstitions and idolatries of the Church of Rome, there neither is, nor has been, the least danger of their gaining ground in New England. The Congregationalists and Presbyterians are known to hold them at least in as great abhorrence

Jesuits and  
Rome in the  
*mêlée*.

<sup>3</sup> *Supra*, p. 323.

<sup>4</sup> Lambeth Pal. MSS., 1123, No. 336, S. Johnson, December 20, 1763, to Secker.—*Ibid.*, No. 288, Caner, December 23, 1763, to Secker.—Brodhead, vii. 969, (W. Johnson), a Review.—Governor Jonathan Trumbull of Connecticut reported to the Earl of Dartmouth, July 5, 1773, that there were 1363 Indians, many dwelling in English families, the rest in small tribes here and there, in peace, good order, and inclined to idleness (P. R. O., 202, p. 243, § 17).

as the Episcopalians do."<sup>5</sup> Whenever there was question of false assertions, fictitious accounts, lying numbers, "mistaken or misprinted," as Dr. Johnson gently interpreted the S.P.G.'s *Abstracts*,<sup>6</sup> the Congregationalist Jonathan Edwards was not more faithful to the professional code and English dictionaries in applying to such things the epithet, "Jesuitical,"<sup>7</sup> than Secker, the Anglican archbishop, in calling them "Popish."<sup>8</sup> But, among themselves, these things went diplomatically, as Secker expressed it, under the head of "allowances."<sup>9</sup>

§ 167. None of the disputants were at home with antecedent history, which, being too recondite then for verification, escaped the scalpel of discussion.

There were the four sachems, of whose visit to London in 1710 Secker made so much. On their return they sent by the hands of Colonel Nicholson a letter to the Queen, and another to Tenison, Archbishop of Canterbury, signing both with totems, to which the names were attached: "Brant, Nicholas, Henrick and John." They spoke with thanks of the missionaries promised, and with hopes of the missionary house to be prepared in a fort. Nearly two years later (1712), the archbishop replied in a very full and cordial letter, addressing them as "Much Hon<sup>red</sup> Princes," and "Your Excellencies." He said that "our Societie" was sending them Mr. Andrews, whom he praised as "very fitt." But a year later Governor Hunter of New York told Lord Dartmouth that the Indians "who were carryed to England were men of no consideration, or rather the most obscure among them. Hendrick, it is true, had some credit with the small village of Mohaks called Scoharee."<sup>1</sup>

The four  
sachems of  
the London  
embassy.

<sup>5</sup> Lambeth Pal. MSS., 1123, No. 290, Caner, January 7, 1768, to Secker.—Mayhew, *Observations*, p. 44.—Casting a side glance at the Acadian Papists dispersed in Massachusetts, Mayhew felt reassured enough to say: "These are a plain, simple, ignorant people, who have now no Romish priests or Jesuits amongst them; and by whom we are surely in no danger of being perverted from the Protestant faith" (*Ibid.*, p. 45). That was probable, even if Jesuits were about. But there was no fear from them; for, as Mayhew put in between the two sentences just quoted: "Since the [Orange] Revolution, hardly a Roman Catholic, except some few transient persons have been seen in New England" (*Ibid.*). How the saints must have eyed such transient Popish portents!—with the same kind of philosophizing which Mrs. Abigail Adams used in comforting Mrs. Mercy Warren on the Napoleonic terror:—

"If plagues and earthquakes break not Heaven's design,  
Why then a Borgia, or a Napoline!"

(*Mass. Hist. Soc. Coll.*, 5th series, iv. 494.)

<sup>6</sup> *Supra*, p. 326.

<sup>7</sup> *Supra*, p. 324.

<sup>8</sup> *Supra*, p. 298.

<sup>9</sup> *Supra*, p. 326.

<sup>1</sup> P. R. O., N.E., 1, No. 20, the sachems, Boston, July 20, 1710, to the Queen.—

Again, there was the Rev. Mr. or Dr. Barclay,<sup>2</sup> who was second of the name, but apparently first in eminence of all the missionaries—for his “seeming success” according to Secker, for his “good Barclay, the success” according to Dr. Johnson. Nevertheless, said greater. the former, the French about the year 1745 “infused such dreadful imaginations into our Indians,” and, affirmed the latter, “the influence of Popish missionaries,” as well as of some “great man” not named, “created such a disaffection in them, that his very life was in danger; so that he was obliged to desist.” Here Johnson protested in a note against the partial, injurious and false account of the historian Smith on “this affair.”<sup>3</sup>

However, with regard to “this affair,” it is possible that Smith, the historian, had before him the petition of Mohawk warriors demanding justice of Governor Clinton as against Barclay. They had given to the rev. gentleman a glebe, “for his singular service,” and that of his successors in the ministry. “But,” said they, “to our sorrow we find that Mr. Barclay has not only left us for the love of money,<sup>4</sup> but still claim’d the said land as his particular property, directly contrary to the meaning and intent of us the donors.” This proceeding in the land of the Mohawks was an exact counterpart, but on a smaller scale, of a similar operation, one hundred years before, in the Maryland tract of the Patuxents, as recounted by us elsewhere.<sup>5</sup> The Mohawks, more enterprising than the Patuxents, demanded restitution of the land expropriated by Barclay, as well as of another claim, surreptitiously obtained by the trader Livingston. Rising to a broader view of the situation created, they added: “This and such like dealings, with the bringing rum to our castle, has made us dwindle away as the snow does in a warm sun-shining day.”<sup>6</sup>

On the other hand, the apologists of Barclay might have noted to his credit the appreciation which the New York assembly manifested for his labours. In 1736, this young man of Albany was appointed catechist to the Mohawks at Fort Hunter; and received the

*Ibid.*, 588, N.Y., f. 14, Hunter, N.Y., March 14, 1718, to (Dartmouth).—Lambeth Pal. MSS., 711, No. 17, the sachems, July 21, 1710, to Tenison.—Brit. Mus. MSS., *Stowe*, 119, f. 78, Tenison’s answer, May 29, 1712.—Hunter in his letter scours the prevalent ideas about Indians having or getting or accepting a (European) form of government; and contends that treating them as if they had one, or tampering with them at all, would make the peace of New York more than precarious.

<sup>2</sup> Made a Doctor by the University of Oxford, at Secker’s request (Brodhead, vii, 454).

<sup>3</sup> Secker, *Answer*, p. 48.—S. Johnson, *Candid Examination*, p. 92.

<sup>4</sup> Becoming Rector of Trinity Church, New York.

<sup>5</sup> *History*, I. 489; cf. 848, 844, 477–480.—*Documents*, I. No. 16, *Not.* 6°.

<sup>6</sup> P. R. O., N.Y., 10, 1746–1748, f. 187.—Brodhead, vi. 815.



commendation of a special assembly act, to the effect of "paying sixty pounds to Mr. Barclay." Within two years he was ordained a minister in England; he returned to Albany and Fort Hunter; and, just one year before he was inducted Rector of Trinity Church, New York, we find his services again recognized by an act of assembly: "That there be allowed to the Reverend Henry Barclay, for instructing the Indians in the Christian religion, from the first of September last to the first of September next, the sum of £20." This looked like a decline in the appraisal of his annual services, to the extent of two-thirds less for the minister than had been voted for the same gentleman as catechist. But the assembly showed perfectly well that it was not their appreciative sense which had declined; it was only the object which had changed, from Barclay and Indian souls to scalpers and Indian hair. Eight days after the appropriation of £20 to the minister for a whole year's service, the same assembly of New York voted, "for the scalp of every male of the enemy above the age of 16 years, the sum of £10"; and, "for the scalp of every male under the age of sixteen years, the sum of £5." As the Indian scalps advertised for brought in no certificate of their tribal origin, whether hostile, friendly or neutral, the advertisement for Indian lives offered a premium for detachment of mind in the scalping operations of the knife. People had no need of pausing to discriminate in favour of friends. They gathered the scalps anywhere,—from friends, foes, and, as the Indian superintendent Atkin reported of what was in progress all round the country, from "the most innocent and helpless persons, even women and children; . . . murdered," he said, "without the least benefit accruing [*to the public*] by it."<sup>7</sup>

§ 168. From this it appeared that the co-operation of the civil power, so ardently wished for by all the Propagation societies, was an accomplished fact. Besides it transpired that the civil authorities rated their own efficiency as somewhat superior to that of the ministers. Their assignment to Barclay of £20 for twelve months' missionary service was only the equivalent of their appropriation for peeling off any two Indian men's scalps, or any four Indian boys' scalps, in the very large crop of Indian hair which was gathered round the country, and for which, in

The civil arm  
in missionary  
work.

<sup>7</sup> Brodhead, vi. 88, Lt.-Gov. Clarke, N.Y., November 27, 1736, to Bd. Tr., on Barclay catechist.—P. R. O., N.Y., 9, f. 246, printed votes of Assembly, November 14, 1745.—*Ibid.*, ff. 251<sup>v</sup>, 252<sup>r</sup>, votes, November 22, 25, 1745, tariff for scalps.—Hazard, iii. 199, Atkin, Winchester, June 30, 1757, to Gov. Sharpe, Md.

Maryland alone, £3000 lay appropriated.<sup>1</sup> Pennsylvania threw in the considerate item: "For the scalp of every Indian woman, 50 dollars"; and, more generous than New York, it offered 130 dollars "for the scalp of every male Indian above ten years old."<sup>2</sup>

Of co-operation from the civil authorities, Secker, Archbishop of Canterbury, wrote to Caner that he hoped "the civil power in America will have directions from hence [*London*] to assist us."<sup>3</sup> Of spiritual co-operation from the Boston Propagation society, which came to be successfully crushed, he wrote to Osbaldstone, Bishop of London: "It will be said, we [*the S.P.G.*] ought gladly to let others do what we confess we have not been able to do ourselves in any great degree."<sup>4</sup> Osbaldstone himself kept aloof from the S.P.G. enterprise and its missionaries,<sup>5</sup> of whom Secker wrote to Caner that "the good character of our [*S.P.G.*] missionaries" has suffered "for want of being distinguished in discourse from some others of the Episcopal clergy," particularly in the southern plantations.<sup>6</sup> Here the Archbishop of Canterbury was disparaging the Anglican clergy at large, who were subject to the orders of Osbaldstone, Bishop of London and Ordinary of America.

Now we leave the great disputation, at the point where Mayhew forced the Archbishop of Canterbury to drop it; for his Grace said: "No one can get the better of Mr. Mayhew in his own way; and, for that cause amongst others, the contrary way must be taken."<sup>7</sup> Mr. Mayhew's way in the premises was indeed peculiar, and somewhat rare at all times, that of arriving at the historical facts of a case.

But, if the spiritual, moral and civil merits of the Indian campaign were, after more than sixty years of operations, proved and admitted to stand at such low figures, the financial aspects were cheerful. Some twelve years before, Douglass had written of the S.P.G., that the society depended chiefly "on subscriptions and casual donations; their subscribing and corresponding members at present are upwards of 5000; in the American colonies, near 60 missionaries; their annual expense exceeds £4000 st."<sup>8</sup> More valuable were the precise statistics of

Outlay of the pious; income of the missionaries.

<sup>1</sup> Hazard, *Ibid.*, 200, Atkin, as above.

<sup>2</sup> *Ibid.*, ii. 619; April 9, 1756.

<sup>3</sup> Lambeth Pal. MSS., 1123, iii., No. 801, Secker, March 30, 1763.—The Jesuit Joseph Acosta propounded some views as to the utility of a military force in the vicinity of missions. See *History*, I. 819, note 4.

<sup>4</sup> Lambeth Pal. MSS., *Ibid.*, 276; October 5, 1762.

<sup>5</sup> *Ibid.*, 279, R. Osbaldstone, Bath, October 11, 1762, to Secker.

<sup>6</sup> *Loc. cit.*

<sup>7</sup> *Ibid.*, No. 319, Secker, September 15, 1763, to Caner.

<sup>8</sup> Douglass, *Summary*, i. 231.—Bitter anti-Papist as Douglass was, he could not

disbursements for 1762, the year previous to Mayhew's damaging assault. The English missionaries in North America, February 19, 1762, were, according to the *Abstract* of the S.P.G., 73, with 12 schoolmasters, making a grand total of 85. And, continued the summary of the *Abstract*: "Amount of salaries for 85 persons in service this year: £3727 10 0."<sup>9</sup>

Douglass said that the S.P.G. depended chiefly upon the piety which supplied "subscriptions and casual donations," because "their certain fund is very small." This want of a "certain fund" was now being remedied. In New Hampshire a reservation of 500 acres in each and every township was obtained by the S.P.G. from Governor Benning Wentworth;<sup>10</sup> to which grants the Lords of Trade, in 1772, recommended the addition of 250 acres in every township for a schoolmaster.<sup>11</sup> Governor Moore of New York, answering complaints of the S.P.G. on the matter of reservations due to the west of Connecticut River, and of charges imposed on the concessions, replied emphatically to the Earl of Shelburne, that the S.P.G. had not been "charged with the expense of a single shilling"; that, in twenty-four of the townships, "the rights of the society" had been "expressly reserved"; and that, since his arrival in the province of New York, he had, said he, "taken care to secure to the Church, as soon as I had it in my power, a large district comprehending no less than 23,200 acres."<sup>12</sup>

Thus the Indian campaign of the S.P.G. was perfectly successful in procuring salaries and livings and lands. The spiritual arm and sword of the word were supported by the civil arm and sword and scalping knife, as well as by the favourable countenance of the royal government, from which the commission to preach Christianity had been taken. If, within the limits of the old colonies, so little remained of Indian civilization and Christianity, it was not less than soon afterwards survived of the royal government itself. The

refrain from drawing a contrast between "the British missionaries of the three distinct societies," and "the French missionaries in Canada," as well as "the Popish missionaries in China from several European nations"; in both of which countries the Jesuits, said he, by being "indefatigable" in Canada, and those in China, "by their mathematical ingenuity and their *Omnia Omnibus*, have been very useful to Christianity" (*Ibid.*, p. 282). On Douglass, cf. *History*, I. 104, 105.

<sup>9</sup> *Mass. Hist. Soc. Coll.*, 2nd series, I. 158: "Newfoundland: No. of missionaries 2. Nova Scotia, 4. Massachusetts, 8. New Hampshire, 1. Connecticut, 16. Rhode Island, 4. New York, 10. New Jersey, 8. Pennsylvania, 9. N. Carolina, 5. S. Carolina, 4. Georgia and Bahama, 2."

<sup>10</sup> Governor of N.H. in 1750.

<sup>11</sup> Brodhead, viii. 275, June 6, 1771; 384, 385, December 8, 1772; to the Privy Council.

<sup>12</sup> *Ibid.*, vii. 939, 940, Moore, N.Y., June 10, 1767, to Shelburne.—Cf. *Ibid.*, 917; viii. 275.

enterprising republic, which shook England off, settled the rest of the Indian question.

We now turn to the other side of the balance sheet, where there appears no commission taken from layman or woman to preach a divine religion ; nor salaries consuming £4000 a year. ~~The contrast~~ Yet we meet with flourishing Christian reductions, ~~resulting~~. formed of Iroquois and many other Indian nations, whose splendid mould of native physique and natural talents was purified and illuminated with Christianity first, and with civilization in consequence.

## CHAPTER XIV

### IROQUOIS MISSIONS AND BRITISH COLONIES

§ 169. North American reductions. § 170. The settlement at Caughnawaga : 1667. § 171. Commercial and political interests. § 172. Frontenac's anti-Jesuit campaign : 1672-1679. § 173. Missionary policy of the Jesuits. § 174. Financial resources of the Jesuits. § 175. The work done. A contrast drawn. § 176. Evolution of a political idea in New York : 1670-1686. § 177. Iroquois war : British alliance : 1682-1686. § 178. Disputation of governors on Jesuits : 1684-1688. § 179. British loss of Iroquois Christians : 1686-1688. § 180. Episode on poisoning. § 181. Outcome of Dongan's campaign. The political idea evolved : 1688.

**Manuscript Sources :** Archives S.J., (Fleck), on S.J. in Canada (printed).—(London), Lambeth Palace MSS., 1123.—Public Record Office, *America and West Indies ; Colonial Correspondence, Canada ; Colonial Papers ; Entry-Books, Quebec*.—(Paris), Archives des Colonies, *Canada, Correspondance Générale*, iii.—Archives Nationales, K. 1232, 1.

**Published Sources :** Hughes, *Documents*, I. Part i. of this series, *History S.J.*—Brodhead, *Documents*, iii.-vii., ix.—Douglas, *Old France in the New World*.—Hernandez, *Organización Social*, i., ii.—Jones, *Huronie*.—*Massachusetts Historical Society Collections*, 5th series, ii.—Munro, *Seigniorial System*.—Pastells, *Historia de la Compañía de Jesús, Paraguay*.—Public Record Office, *A. & W.I., Calendars*, v., xii.—*Records and Studies*, i.—*Researches*, viii., x.—Rochemonteix, *xvii<sup>e</sup> siècle*, i.-iii.; *xviii<sup>e</sup>*, i., ii.—Smithsonian, *Ethnology*, bulletin 30, *Handbook of American Indians*.—Thwaites, *Jesuit Relations*, *passim*.

WE take up the question of Indian reductions, and show how they were established in North America. These reservations of Catholic Indians touched to the quick a number of interests, commercial and political, French and British alike.

Missionary activity pursued its course; and we analyze the resources on which it was drawing. The results agreed fairly with the means and forces in operation; while they disagreed with the evangelizing achievements of the British societies, as recorded in the foregoing chapter.

Under Governor Dongan of New York, international politics became a live factor in the question of Jesuit Iroquois missions. The disputatious spirit of the colonel was not less alert than his policy. To this we owe it that divers historical elements, regarding the progress of the Jesuits, became as distinct in the substance, as he was emphatic in the style of his despatches. To offset French Jesuit success, he proclaimed to Canadian governors and to Iroquois sachems that he would provide the missions with English Jesuits. He implored the British Government to send over from England supplies of Jesuits, and so meet the crying need.

In fact, the Iroquois who embraced Christianity were disappearing from the cantons of New York into the settlements of Canada. The Five Nations of English Indians were being depleted of their "young and lusty" men, who became Christians, and went off to become French Indians. Christianity became attenuated in the English sphere of influence; and, while it wore ever thinner there, it was found to be ever more solid in the French country of adoption.

The policy inaugurated by Governor Dongan shaped the destinies of a not unpromising people, and made the Iroquois of the New York cantons settle down in a rank and quality of civilization, which shall be noticed in the following chapter.

§ 169. The name, "reduction," has become famous in history through the story of Paraguay—that "Vanished Arcadia," as a modern has entitled his memoir on the subject.<sup>1</sup> A reduction was a reservation of native Christians, enjoying constitutional rights of their own, and reserving to their own discretion the degree and manner of their intercourse with whites. In a diploma quoted at some length above, King Louis XIV. of France, describing very exactly the rights and privileges of such a reservation, approved and confirmed the one existing at Sillery, and authorized the reproduction of similar establishments in all other places where there should be a French fort and garrison.<sup>2</sup>

The idea and advantages of a reduction.

A reduction was the home of piety, industry, and civilization, where tastes, and talents of native races were treated with great regard. The history of the Jesuit reductions in South America has been accurately and scientifically set forth in two works, which issue

<sup>1</sup> C. Graham.—Cf. Schmitt, coll. 345,353: in 1763, the Province of Paraguay had 57 reductions, with 118,716 Indians; in 1769, the reductions in Chili had 7718 Indians; in Quito, 7586; in Peru, 65,000; in New Spain, 6594; in Mexico, 122,001, etc.

<sup>2</sup> *Supra*, p. 244; cf. p. 242, viii.

from the press while we write. They are those of Fathers Hernandez and Pastells.<sup>3</sup>

The advantages of a reduction, without any embargo on whites, might of course be enjoyed when there were no whites to be warned off. So was it at St. Mary's of the Hurons. In a lesser degree the emoluments of such a situation might be secured for the natives in a mixed population, like those of Michilimackinac and Kaskaskia, so long as the white traders were not allowed a free hand with their brandy, and until the vices of white civilization percolated through the native material. Father Chauchetière, missionary at Caughnawaga, pointing to the liquor trade as the origin of gross vices among the Iroquois, said that by debarring drink one debarred "a thousand sins" of a kind that "they did not know at all, before the establishment of drink-dens."<sup>4</sup>

As to the general effects of intercourse with whites, Father Watrin observed that savages took up a new attitude towards the missionaries, answering back: The French don't follow your teaching; they don't believe in what you say; why should we any more than they?<sup>5</sup> In these circumstances, the seed of Christianity had to struggle not only with difficulties native to the soil, but with the blight spread by infection.

That establishment of which we spoke before,<sup>6</sup> St. Mary of the Hurons, hard by the Georgian Bay of Lake Huron, had assumed the character of a central station in the midst of a great and growing reduction. With three other cantons, it formed a network of four principal missions. Each of these had its own circumscription of villages; one having four;

Missionary  
organization  
in Huronia.

<sup>3</sup> P. Hernandez, S.J., *Organización Social de las Doctrinas Guaraníes de la Compañía de Jesús* (2 vols., 1913).—P. Pastells, S.J., *Historia de la Compañía de Jesús en la Provincia del Paraguay*, comprising Argentina, Paraguay, Uruguay, Peru, Bolivia, and Brazil (1st of five vols., 1912).—Divers chapters in the work of Hernandez treat of the family, municipality, militia, agriculture, industry, commerce, religious government, arts, music, dancing, societies, feasts, etc.; analogous documents accompanying the text. The text of Pastells' labours consists of the documents in the General Archives of the Indies; annotations supplying the historical connections and erudition.

<sup>4</sup> Thwaites, lxlili. 200, 201.—Rochemonteix, xviii. iii. 662. "*L'impureté n'est pas si pernicieuse, par ce qu'osté la boisson de chez les Iroquois on oste mille péchés d'impureté, dont ils n'avoient point connoissance avant l'établissement des boissons. Ils gardent entre eux les degrés d'affinité entre parents; il ne se fait pas de mal chez eux, ou s'il s'en fait les délinquants sont en abomination. On a mesme vu des filles garder virginité. Pour le moins elles n'estoient ny mariées, ny tachées du vice de la chair; et une est morte sans avoir voulu se marier, et on tenoit qu'elle n'avoit jamais fait mal; et est morte en cet état sans baptême.*" On Chauchetière's narrative or annals, cf. *infra*, p. 887.

<sup>5</sup> Rochemonteix, xviii. i. 398, 394.—Cf. *Ibid.*, 888, 892, on the Illinois, Cahokia, Kaskaskia, Fort St. Ange.—Cf. Thwaites, lxx. 211–300, full text of Watrin's memoir, *Bannissement des Jésuites de la Louisiane*.

<sup>6</sup> *Supra*, pp. 246, 253.

another, twelve; a third, two; and a fourth, two. Of the villages last mentioned, one was elevated to the dignity of being itself a special mission for the Algonquins, when driven out of their country by the Iroquois. These five greater missions in the Huron country were organized into fixed Jesuit residences, with chapels and cemeteries. From them as centres flying missions penetrated into the nations around. Such was the organization of the first great Canadian reduction, in the years 1641 to 1649. The effectual development of the plan was the merit of Father Jerome Lalemant, superior of the Huron mission.<sup>7</sup> But the Iroquois, swooping down, in 1649, destroyed everything, and massacred all whom they laid hands on—among the rest Gabriel Lalemant, nephew of Jerome.<sup>8</sup> When, five years afterwards, Le Moyne held his great council (1654) with the Five Iroquois Nations at Onondaga, he fixed the post of the missionaries' residence in the name of Achiendassé, the Jesuit superior.<sup>9</sup> That was the same Jerome Lalemant.

The first Iroquois mission, so begun, having come to an end in 1658, the second, which commenced in 1665, had been in operation some twelve years, when the system of reductions was applied in a form suited to the circumstances. A reservation was begun on the St. Lawrence, affording an asylum, where the piety of neophytes should no longer be exposed to the perversity of their pagan countrymen in the cantons, nor be accessible to traders importing liquor, whether that was rum or *eau de vie*. The vast seigniory of the Fathers opposite Montreal, and called La Prairie de la Madeleine, had a little Jesuit residence, whither the missionaries repaired at times for spiritual retirement in retreat or bodily repose. To this fine settlement seven Oneidas came in 1667; from which year, till 1685, we have the annals of La Prairie, or, as it was named, St. François Xavier des Prés, written by Father Chauchetière, who was a missionary there.<sup>10</sup> The necessities of corn cultivation in 1676 made the settlement move a couple of miles up the St. Lawrence. Then, having for the same reason crept still farther in three more removals, this Indian colony

Organization  
of Iroquois at  
Caughnawaga.

<sup>7</sup> Rochemonteix, *xviii*, i. 384-398, 430.

<sup>8</sup> Jones, *Huronie*, pp. 298-402; the Huron missions, personnel, and movements, 1634-1650, from all sources available.—*Ibid.*, p. 404, complete list of missionaries in Huronia, 1615-1650, being 80 in number, 5 non-Jesuits (1615-1628) included.—*Ibid.*, 406, 407, synoptical list of 25 stations in Huronia, 1634-1650.—See *Catholic Encyclopædia*, the same author on "Huron Indians" (reproduced, *Huronie*, pp. 417-446).

<sup>9</sup> *Supra*, p. 281.

<sup>10</sup> Thwaites, *lxiii*. 138-244, 296; 302, notes 12-16.—Rochemonteix, *xviii*, iii. 640-678.



finally rested a little above the Sault St. Louis, in 1716; and the name Sault became a customary one for the Iroquois reduction.<sup>11</sup> The English adopted the Iroquois term, Caughnawaga, "At the Rapids." And the Indians at this reduction came to be known, in English parlance, as the Caughnawagas, or the Praying Indians.<sup>12</sup>

§ 170. Great was the surprise and admiration of the savages on the St. Lawrence and Ottawa at this establishment of the Iroquois.

**Growth of Caughnawaga.** In the course of two years, the curiosity which attracted visitors, and the fields of Indian corn which solicited their appetites, led some to set up their cabins at the new paradise. Emigrants from the Five Nations, says Chauchetière, came "in great troops; and in less than seven years the warriors of the Mohawks were more numerous at Montreal [*La Prairie*] than in their own country. This enraged the elders of the villages [*the New York cantons*], and the Dutch of Manhattan and Orange." In less than a year or two there was an accession of as many as 200 persons to the number of Christians in La Prairie (1673). Savages were now accumulating from various nations: Hurons, Algonquins, Montagnais, Ottawas, Loups [*Mohegans*], Mascotins, Mahicans, and others, either to embrace the Christian religion or to practise it in greater perfection.

Verily, the wolf was lying down with the lamb. Twenty-two nations were represented at the Sault St. Louis. Among them, three were numerically prominent: the Mohawks, the Onondagas, and the Hurons, all of the Iroquois family. Three captains were elected. But the question of precedence, which vexes the souls of high diplomats, agitated the councils of these warriors. The Hurons took umbrage, and seceded to the other side of the river. The new captains then held a general assembly, and issued an edict, that no one was to be tolerated within the precincts of the settlement, who was not determined to respect the ban here and now placed on three things: the idolatry of dreams, polygamy, and

<sup>11</sup> Rochemonteix, *xviii*, ii. 418, 419.—See in the map of Canada (frontispiece) the inset drawn by Father A. E. Jones, from data in Chauchetière's annals, Burtin's *Life of Tekakwitha* (Quebec, 1894), p. 23, and Lafitau's letter, Paris, January 17, 1718.

<sup>12</sup> We have heard it said that the name Caughnawaga was taken from the Falls of the Mohawk. Cf. P. R. O., 604, f. 140, on the Albany Congress, 1754; where the Mohawks speak of places on the Hudson up to the Third Fall, and thence to the Cacknawaga or Canada Creek, which is about four or five miles above the Mohawks. But we find no trace of any such migration from those Falls in particular as might have given rise to the name from that source. The Smithsonian *Handbook of American Indians* adopts, by implication, the obvious origin, that of the settlement being at the Rapids, Falls, or Sault St. Louis (*Ethnology*, bulletin 30, i. 220, s.v. "Caughnawaga").

drunkenness. This fundamental law came to be understood on all hands; and not even temporary sojourners ventured during their stay to affront the constitution. The French traders in the *eau de vie*, just when they had espied, as they thought, a new opening for their traffic, found the door shut in their faces, and the ground cut from under their feet. They were incensed beyond measure. The governor, Count de Frontenac, became the deadly enemy of the Jesuits and their missions.

Father Dablon, descending from the Ottawas to Quebec (1670), where he was to become superior of the Canadian mission, passed by La Prairie, and declared that, in this new Iroquois settlement, the exercise of piety was the same as in the Religious life. ancient one of the Hurons. Mgr. de Saint-Vallier, Bishop of Quebec, in his report (1687) on "The Present State of the Church in the Colony of New France," gave a glowing account of the high virtue which he had seen practised in the settlement. Astonished himself, he protested: "All that I have said of the manner of life observed by the converted savages in this mission is no description from imagination; it is a true recital of the actual conditions. The French residents at La Prairie are so charmed with what they see, that they come sometimes to join in prayer with these good Christians, and to reanimate their devotion at the sight of the fervour which they admire in people, a while ago barbarians."<sup>1</sup>

The population of Caughnawaga amounted, in eighteen years after its foundation, to 682 persons (1685). At the same time, a number of other settlements were in full progress. At Sillery, the Abenaki or Eastern Indians had taken the Sillery.  
St. Francis.  
Bécancourt.  
Lorette. place of the Algonquins; and they numbered 488 in the same year, 1685. The Abenakis were also at St. Francis de Sales, on the River Chaudière, and amounted in 1686 to 600 souls. This number enlarged subsequently; and a new settlement was established at Bécancourt, occupied by the same nation. Lorette, not far from Quebec, was a refuge of dispersed Hurons, and had numbered 300 in 1675, but it counted only 146 in 1685. Disease, besides losses in war, decimated Indian populations. In all these stations, said Father Dablon to Pinette, the Provincial in France, the life of the missionary Fathers was much the same as if they were out on the flying missions, most miserable from a temporal point of view, exposed to numberless inconveniences and dangers. In the

<sup>1</sup> Rochemonteix, *xviii.*, ii. 420-423.—*Ibid.*, iii. 644, 647, 648, 654, 655, 660, 662, Chauchetière's annals.—Thwaites, *loc. cit.*

cabins the missionaries were suffocated or blinded by smoke. The labour was continual. The sustenance available was the bread of hunger. Yet, said Dablon, nothing was less grateful to a missionary than to be recalled for work at Quebec. And those who were stationed at Quebec desired nothing more than to go out and share in the labours and merits of the apostolic workmen.<sup>2</sup>

§ 171. These few particulars regarding Caughnawaga, "the most ancient and most populous mission" of domiciled Indians, as Father De Lauzon called it in 1729, suffice to show the momentous issue which opened between the English government of New York and the Jesuit Fathers, as soon as the latter were seen to have established the new Iroquois centre and to be levying souls from the old cantons. The Five Nations were in English policy what would now be called a "buffer" state. They were between the Anglo-American colonies and Canada. They were independent; often at war with the French, as often at peace; but uniformly at peace with the English. The facilities of Indian trading were greater with Albany; peltry was more profitably sold there; muskets and rum were more easily obtained. In fact, it was owing to their former trading with the peaceful Dutch, that the Iroquois had been largely enabled to devastate the country as far as the shores of Lake Huron. So early as 1643, they had obtained about 400 guns, while the Hurons, more remote from the Dutch, had very few muskets.<sup>1</sup> Now, with the secession to Caughnawaga, vital interests were at stake—Iroquois peltry trade being diverted; Iroquois warriors serving in the French interest; and an Iroquois civilization becoming French.

None enlarged more on these issues than the New York governors, Colonel Dongan and his successors. But they did not draw the picture so minutely as some of the French authorities. In 1683, just sixteen years after the foundation of Caughnawaga, the Canadian Governor, De la Barre, explained to the French minister, the Marquis de Seignelay, that the Iroquois interest in obtaining beavers to sell at Albany was the motive of the war which "that nation, bravest, strongest and shrewdest in all North America," had declared against the Ottawas, allies of the French during thirty years past. The post of Michilimackinac, far away to the west, was to

<sup>2</sup> Rochemontelx, *xviii.*, iii. 374-378.—Thwaites, *lix.* 80-82, Dablon, Quebec, October 24, 1674, to Pinette.

<sup>1</sup> Smithsonian, *Ethnology*, bulletin 30, i. 587, 588, s.v. "Huron": 923, s.v. "Mohawk."

have been taken ; and all the beaver trade diverted from Montreal to Albany and New York.<sup>2</sup> The same De la Barre mentioned that "the Rev. Jesuit Fathers at the mission of Sault St. Louis, adjoining La Prairie de la Magdelaine," had "gained for the king [of France] 200 good Iroquois soldiers."<sup>3</sup>

Two years earlier, that is fourteen years after the foundation of Caughnawaga, the Intendant Duchesnaux, colonial administrator of justice and finance, explained to De Seignelay the process of civilization going on in these reductions. He told how, at the Jesuit settlements of Caughnawaga near Montreal, of Sillery and Lorette near Quebec, as well as at the Sulpician mission not far away from Montreal, "the youth are all brought up in French fashion, *à la française*, except in the matter of their food and dress, which it is necessary to make them retain in order that they be not effeminate, and that they may be more at liberty and less impeded whilst hunting, which constitutes their wealth and ours. A commencement has been made in all these missions to instruct the young boys in reading and writing." The nuns at Montreal and Quebec, he said, teach the little girls, and employ them in needlework. The Ursulines at Quebec receive girls not only from the reductions all round, but from the distant Indian missions conducted by the Jesuits. Duchesnaux asked for authorization from his Majesty to make "a few presents to the Indians of the villages established among us, so as to attract a greater number of them"; and it would be advisable to establish "a small fund for the Indian girls who quit the Ursulines after being educated, in order to fit them out and marry them, and establish Christian families through their means." He had exhorted the inhabitants to rear Indians. He himself had taken several into his house ; but, after considerable outlay, three had left him because, said he, "I would oblige them to learn something. The Jesuit Fathers have been more fortunate than I, and have some belonging to the most distant tribes, such as Illinois and Mohegans, who know how to read, write, speak French and play on instruments."<sup>4</sup>

Particulars  
of Indian  
civilization  
in Canada.

§ 172. There were several discordant notes in the appreciation

<sup>2</sup> Brodhead, ix. 201, 202, De la Barre, Quebec, November 4, 1688.

<sup>3</sup> *Ibid.*, 209. Cf. Rochemonteix, *xviii.*, ii. 426, note, where Mgr. de Vallier says that these Christian Iroquois fought under Denonville, in 1687, against their own compatriots of the cantons.

<sup>4</sup> Brodhead, ix. 150, Duchesnaux, November 18, 1681, to De Seignelay.

formed of the Jesuit system. They were sounded chiefly by the Count de Frontenac, who was twice governor of Canada.<sup>1</sup> Because it was "not in order" that *coureurs de bois* or trappers should run about the country without passports, he imposed upon the missionaries also his trappers' passports, to prevent them from passing and repassing, as they did, "into all the different countries, and even to

Frontenac's  
missionary  
instructions.

France, without any passports or permits." He expressed to the Jesuits his "astonishment at seeing that, of all the Indians that are with them at Notre Dame de Foi, which is only a league and a half from Quebec, not one spoke French, though associating with us." He instructed the Fathers to make the savages "subjects of the [*French*] king also," and not merely "subjects of Jesus Christ," and therefore the missionaries should do as the English did, teach them the language. His further instructions, "forcibly" expressed, were that the Jesuits should render the Indians "more sedentary, and make them abandon a life so opposed to the spirit of Christianity; and that the true means to render them Christians was to make them become men." But, disconsolately he added in cipher, there was no expectation that the missionaries would extend the French language; "and to speak frankly to you," he continued to the French minister Colbert, "they think as much about the conversion of the beaver as of souls; for the majority of their missions are pure mockeries, and I should not think they ought to be permitted to extend them further until we see somewhere a better formed church of those savages." He has "strongly exhorted" the Sulpicians of the Montreal Seminary to follow these missionary instructions of his; and so the Jesuits may "perhaps" be excited "through jealousy" to do the same. But the pity is, said he, that the Sulpicians of the Seminary, the Bishop's vicar, and Friars Recollect are all in a state of "complete subserviency to the Jesuit Fathers, without whose order they do not the least thing." Besides all these evils, there are Jesuits "who without wearing the uniform have not omitted taking the vows." A gentleman, M. de Villaray, who solicits the office of farmer-general, is one of these Jesuits in short clothes. Colbert should be on his guard against any measure which would reinstate the Jesuit Fathers in that "knowledge and direction of affairs," whereof "at so much trouble" to himself Frontenac has deprived them."<sup>2</sup>

<sup>1</sup> 1672-1682, 1689-1698.

<sup>2</sup> Paris, *Arch. Col., Canada, Corr. Gen.*, iii., Frontenac, November 8, 1672, to Colbert.—*Of. Brodhead*, ix. 98, 94, where the editor (p. 94) notes that Frontenac, "to conceal his game," has put in cipher his abuse of the Jesuits, but *in extenso*

This was not the first time that the Jesuits received the alms of spiritual instructions from a lay authority, which seems to have mistaken itself for an English royal supremacy bestriding an Anglican Church. Nor was Duchesnaux's appeal for some few presents on behalf of Indians the last time that such a petition was necessary. The difficulty of Frontenac with the Fathers had its origin in the *eau de vie* traffic, which interested him deeply. In consequence he had all the spiritual and ecclesiastical powers ranged against him, while all the *coureurs de bois*, or "libertines," as Duchesnaux called them, were ranged with him. That traffic in liquor produced what the Marquis de Denonville described as "the horror of horrors" among Indians; and he portrayed the working of it to the minister De Seignelay.<sup>3</sup> Yet, strange to say, it seems to have been precisely in connection with this instinct of avarice, to beggar and brutalize the bodies and minds of Indians, that people expanded into evangelical instructions for the Jesuits, as well as for the bishop. These instructions extended into fine casuistry, some of which deserves to be culled; for we do not find such specimens of Gallican subtlety in the coarser-grained British mind.

The French Minister of Marine, M. Hugues de Lyonne, wrote from Paris to the governor, the Marquis de Tracy, that Bishop

his paragraphs laudatory of them, or at least civil to them. The "game" of Frontenac, in which Governor Mésy had been a forerunner, may be followed in Brodhead, *Ibid.*, pp. 25, 32, on Mésy (1668); 117, 120, 130, (1674, 1679), Frontenac; 131, 133, 135, Duchesnaux on Frontenac (1679).

It would appear that, like the *Modern Cambridge History* writer, who discovered baptism among the missionary operations, and nothing whatever besides, a worthy author whom we have often quoted has discovered Frontenac's opinion of the Jesuits, and nobody else's. (Munro, *Seignorial System*. See *infra*, p. 666.)

Not only do the many things which are not to be found in literature create a void of expectancy, but not a few things which do come up, if Jesuits or the like float into view, surpass expectations, and excite the gratification of surprise; as Pope said to Arbuthnot:

"Pretty! in amber to observe the forms  
Of hairs, or straws, or dirt, or grubs, or worms!  
The things, we know, are neither rich nor rare,  
But wonder how the devil they got there!"

The poet was speaking of word-catchers.

The minister Colbert (December 4, 1679), and King Louis XIV. (April 30, 1681), did not mince their language in telling Frontenac what they thought of his "private animosities," and his "private enmities," which everything else in the colony had to subserve. The king said, "It is very difficult for you to get the credence which you ought to have, and for me to place entire trust in what you write to me on the affairs throughout your government, when I see plainly that everything gives way to your private enmities." (Rochemonteix, *xxvi.*, iii. 141, 142.) Meanwhile, to the Jesuits the royal diploma (1678) was accorded. See *supra*, p. 248. And, for their Indian missions, Duchesnaux had been authorized, in 1677, to grant an allowance of 6000 francs. (Rochemonteix, *loc. cit.*, note.)

<sup>3</sup> Brodhead, ix. 441, 442, memoir; 1690.—Cf. Thwaites, lxx. 254-256, Watrin on the Illinois.

Laval and the Jesuit Fathers were prohibiting, under the censure of excommunication, all Frenchmen from giving a glass of brandy *Casistry* and to an Algonquin or a Huron. The gentleman proceeded: "This is doubtless a very good principle, but one which is very ruinous to trade"; for the Indians, being fond of drink, will no longer bring their beavers to us, but take them to Albany and the Dutch, who will supply them with the brandy. "This also is disadvantageous to religion." For, being with the Dutch and presumably drunk, or, as the Minister of Marine more gently puts it, "having wherewith to gratify their appetites, they allow themselves to be catechized by the Dutch ministers, who instruct them in heresy"—while the Dutch traders are plying them with liquor. Hence the grave conclusion, in the French minister's words: "The said Bishop of Petrea and the Jesuit Fathers persist in their first opinion, without reflecting that prudence, and even Christian charity inculcate closing the eyes to one evil to avoid a greater, or to reap a good more important than the evil."<sup>4</sup>

We may charitably presume that M. De Lyonne, Minister of Marine, was contemplating with his mind's eye only a sailor's glass of grog; for the mere sight of brandy or rum with the Indian rendered every conceivable good utterly impossible in even the smallest degree. However that be, the Instructions of the very next year for M. Talon, Intendant of Justice, Police and Finance, contained an impressive paragraph on the right place to be kept by the Jesuits. Their "piety and zeal," so ran the document, "have considerably contributed to attract thither the people who are already there." They nominated Mgr. Laval for the bishopric of Quebec, "and they have nominated, even up to the present time, the king's governors in that country." But, continued the Instructions, there must be preserved "a just equilibrium" between "the temporal authority resident in the person of the king and in those who represent him, and the spiritual [*authority*] which resides in the person of the said bishop and Jesuits, in such a manner always as that the latter be subordinate to the former." A "just equilibrium" between two, so that one should always be up and the other down, would seem to indicate that the sailor's allowance was still floating in the mind of the Minister of Marine. He did sign his name second to that of King Louis; but his ideas in the paper were swimming uppermost.<sup>5</sup>

<sup>4</sup> Brodhead, ix. 22, De Lyonne, November 15, 1664, to De Tracy.

<sup>5</sup> *Ibid.*, 24, Instructions, March 27, 1665.—This doctrine was good Gallicanism, but not very remote from good Calvinism: "*uni et univoce*" to obey a temporal authority, foremost, uppermost and always; since the temporal authority governed

In spite of all this domestic contention, peculiar to a closely bound and religiously minded community, so moral in its tone that suspected characters were visited by his Majesty's orders with penal servitude,<sup>6</sup> even Frontenac himself made much of the Jesuit missionaries, and could not dispense with them. They were necessary intermediaries in dealing with the savages of the Five Nations, or with the governors of New York and New England. An historian, who loved the Jesuits as little as Frontenac did, was at a loss to explain why matters so depended on them. He suggested an explanation: "I do not know whether it is owing to the judicious counsel of these good Fathers, who know the country perfectly as well as the true interests of the king; or because they speak and understand marvellously the languages of so many different nations, whose interests are altogether opposed to one another; or whether it is not owing to the condescension and deference which one must show to these worthy companions of the Saviour."<sup>7</sup>

The indispensable Jesuit.

the clods of the land, and therefore had a right to make clods of the mind: *cujus regio, ejus religio*. Seneca knew better than that, even in the case of slaves: "*Errat, si quis existimat servitutem in totum hominem descendere; pars melior ejus excepta est*" (*De Benef.*, iii. 20).

This spiritual franchise of the soul, so advocated by the pagan, was what Napoleon did not like; nor the gentlemen of Parliament who, in Napoleon's time, opposed the temporal enfranchisement of Catholics (1806; Hawkesbury, Sidmouth, Eldon, Mr. Perceval). The former complained in the French Council of State that religion or, as he expressed it, the priests "keep the soul, and cast the carcass to me" (Allison, viii. ch. 60, § 74, note). The latter desisted for Great Britain an *imperium in imperio*, if the whole man, body and soul, were not a creature of the State (*Ibid.*, vi. ch. 39, § 22).

As to the other matter which De Lyonne mentioned, that the Jesuits had nominated the Bishop of Quebec, it meant that, having declined to supply a vicar apostolic from their own body, they naturally had something to say in the choice of a substitute (1661-1667). (Of. Rochemonteix, *xvii*\*, ii. 197-201, 277-288.) On this vital issue of keeping dignities out of the Order, the General Caraffa, some dozen years earlier, had been energetic and successful; though perhaps he was not so felicitous in the consequences, when only missionary bishoprics were in question. Caraffa's own Assistants had taken a different view from his; for, among other reasons of theirs, the unqualified burden of such vicariates apostolic swamped the notion of dignity in mere labour and exposure. One man, in Caraffa's time, that is, Prince John Casimir, was taken from the Order for the real dignity of the cardinalate, whence he ascended the throne of Poland.

When the establishment of a bishopric was solicited by the King of France for Quebec, the General Father Nickel declined to consider the Jesuit names proposed. (Of. Rochemonteix, *loc. cit.*—Rosa, p. 280.) Under the line of worthy bishops who governed Canada from Laval onwards, no consequences of grave import ensued with respect to missionary affairs. But, in China, the jars and quarrels which became rife showed the advisability of a policy inaugurated only in the nineteenth century, that of Jesuit bishops for Jesuit missions. At this late date, various tentative combinations for arriving at a satisfactory settlement ended in terms conformable to those which St. Ignatius had laid down three centuries before, on occasion of Father Nuñez being appointed to the patriarchate of Ethiopia. (*Constitutiones S.J.*, 10<sup>a</sup> pars, § 6, Decl. A.) For the negotiations in the nineteenth century, see the places quoted *supra*, p. 84, note 8.

<sup>6</sup> Brodhead, ix. 328.

<sup>7</sup> Rochemonteix, *xvii*\*, iii., note; from La Hontan.



§ 173. When a rupture had taken place between the Five Nations of Iroquois and the French colony of Quebec, the Marquis de Denonville, on his return to France, noted in a memoir for the Marquis de Seignelay (January, 1690) certain chief points of colonial policy, as affecting the position of Jesuit missionaries. He said that commercial rivalry was the principal cause which made the French and English irreconcilable neighbours. Besides this, the English and Dutch had an antipathy to the Catholic religion, represented by the missionaries; whom on all accounts they regarded "as their most bitter enemies." He said further: The Indian tribes can never be governed "except by those missionaries, who alone are able to maintain them in our interests, and to prevent their revolting against us every day. I am convinced by observation, that the Jesuits are the most capable of controlling the spirit of all the Indian tribes; for, leaving out of consideration their tact, they alone are masters of the different languages, by reason of a long experience successively acquired among them [*the Indians*] by the missionaries they have maintained, and continue to maintain in great number." As to the reductions, he had seen "as many as 600 souls arrive" at the new mission of St. Francis de Sales "in a short time, from the vicinity of Boston." These were Abenaki Indians; and their nation had, in the past summer, taken from the English sixteen forts, besides Pemaquid. "By means of some presents of clothing, powder and lead, they will be easily maintained in our interest." And, with a fortified post of their own behind them at St. Francis de Sales, they will be the protection of Quebec on the side of New England. The Abenaki Indians are the most inclined to Christianity. Then come the Hurons; but they are few. Finally, there are the Iroquois. These, as a nation, prefer to deal with the English, because they have to pay lower prices for goods, and they receive a higher rate of pay for beavers.<sup>1</sup> Denonville continued: The Caughnawaga mission of Iroquois had been removed for the time being, and placed within the precincts of Montreal; their own post being inadequately fortified at this critical moment. But it was absolutely necessary that this important Indian settlement should be segregated from the whites. Brandy was the great enemy of the natives; by means of it we "have witnessed the destruction of all that great body of friendly Indians

<sup>1</sup> Cf. Brodhead, ix. 201, De la Barre, Quebec, November 4, 1688, to De Seignelay: "The beaver (exempt from the duty of one-fourth which it pays here) is much higher there [*at New York, Orange and Manatté*] than with us."

whom we had around the colony." It was the destruction of the French too; as we have seen, said De Denonville, in "the few aged men to be seen among the French, who are old and decrepit at the age of forty." He used the same terms as De la Barre, "libertines" and "debauched," for the French *coureurs de bois*, or trappers, who among the numerous nations of the Ottawas, just as in every other direction, were "greatly thwarting" the missionaries. Nor did the marquis fail to touch the weak points of friendly Indians. They too coveted the cheap bargains of goods to be had with the English; and besides, said he, "the Indians, our allies, are very glad to see us at war with the Iroquois, inasmuch as they are quiet at home. All their tact was exerted in 1688 to prevent a peace between the Iroquois and us."<sup>2</sup>

The matter of presents for the Indians was always an element of weakness in the Canadian policy. The colony was too penurious and the home government too parsimonious to stand comparison with the thousands of pounds spent annually Presents. on the English frontiers.<sup>3</sup> How this closeness operated to the prejudice of Caughnawaga, Father De Lauzon mentioned in 1729 to the French Governor De Beauharnais. He had been thirteen years at the settlement; and he said that not a year had passed, since he came to the Sault, but some family had arrived from the country of the Iroquois to remain and be instructed in Christianity. However, these good purposes had not always been effectuated. The reason seemed to be that the savages found themselves less well provided for than in their own country. Notwithstanding the active benevolence of the domiciled Christian Indians and of the missionaries, necessities could not be met so soon or so abundantly as was desirable. The new-comers took umbrage at what seemed to be a slight put upon them; and they apprehended that the poverty experienced just then would continue always. De Lauzon begged for some allowance from the Court, to help the new-comers, especially in clearing the fields. He remarked that this most ancient and most numerous settlement had proved its attachment to the French in the wars with the English and the Five Nations, and yet it had the smallest allowance, receiving only 500 livres and maintaining three missionaries. It would appear that, far from augmenting the allowance, interested parties impaired the resources of the mission.<sup>4</sup>

<sup>2</sup> Brodhead, ix. 441, 443, 446, Denonville, January, 1690, memoir for De Seignelay.

<sup>3</sup> Cf. *infra*, 408.

<sup>4</sup> Rochemonteix, *xviii*, ii. 20, note; De Lauzon, October 15, 1729, to De Beauharnais.—Cf. Brodhead, ix. 1018.

The allowance referred to here was that granted from the royal revenues. There were, besides, the proceeds of Jesuit property.

**Ultimate resources.** From these two sources came the entire maintenance of the reductions, of the Jesuit missions at large, and of the college at Quebec. Presents and subsidies granted by the missionaries to the natives had to be drawn from the same sources. These private presents to the Indians were different from the benevolences extended by the governor, on occasion of holding a council with the natives.

Looking at things from a mere natural point of view, we may admit that it is material resources which furnish the sinews of war; and, as it was a very extensive campaign which the Jesuits were conducting over the continent, it seems worth while to distinguish and enumerate all the resources available. This is the more in place as it is called for and challenged by the extensive manipulation of funds, which we have seen at the disposal of the Protestant propagandist societies.<sup>5</sup> If these did nothing with so much, we may expect to find something in the hands of the Jesuits who seemed to be ruling everything, and who riveted upon their operations the attention of French and English Governments, as well as that of many other interests besides, ecclesiastical, historical, and philosophical.

§ 174. In 1663, we notice an allusion to governmental subsidies for the Jesuits. Sieur Guadais, sent by the French King to Canada, had it in his Instructions that he should examine the expenses to which the country was subject; "such as the salaries of the governors, the pay of officers and soldiers, the incomes of the bishop, priests and Jesuits, and other general expenses; and the funds the said country possesses to defray them."<sup>1</sup> Almost at the time when Father de Lauzon was suggesting the apportionment of a little fund to supplement the charity of missionaries and Christians at Caughnawaga (1729), there was an exact report submitted of the government subsidies for the Jesuit Fathers (October 20, 1727).

The occasion was that of a double petition from the Order. First, the Abenakis of Norridgewock, whose missionary, Father Rasle, had been killed, and whose chapel appointments had all been lost, were asking for a successor to the deceased missionary; and the Jesuits offered to supply one, if the king would help in

<sup>5</sup> *Supra*, pp. 808, 831, 832.

<sup>1</sup> Brodhead, ix. 11; May 1, 1663.—*Of. supra*, p. 848, note 2, for 1677.

re-establishing the chapel. Secondly, the Hurons of Detroit were also asking for a missionary; and one was available; but it was hoped that his Majesty would provide for the maintenance of the Father. Favoursing these two petitions, Messrs. De Beauharnais and Dupuy appended the following:—

“NOTE.—The Jesuits have on the estimate of expenses yearly—

For their missions in Canada	... ..	5000 <sup>li</sup> .
For their Iroquois and Abenakis missions	... ..	1500
For the support of a missionary at [to the] Kansas	...	600
For the support of a third regent at Quebec	...	400
For the support of two missionaries to the Sioux	...	1200
For that of a missionary at Tadoussac	... ..	600
On the { For the School of Navigation at Quebec	...	800
Marine { For their house at Montreal	... ..	500
		1300
		10600”

Here a special observation follows, that the allowance of 4000<sup>li</sup>, appropriated to the Abenaki Indians, should be partly diverted from the domiciled Abenakis at Bécancourt and St. Francis, for the benefit of their compatriots still resident in their native country. From this we infer that the allowance just mentioned of 1500<sup>li</sup> for the Jesuit “Iroquois and Abenaki missions” was an appropriation in favour of the Iroquois at Caughnawaga, and the Abenakis at Bécancourt and St. Francis. This agrees perfectly with Father De Lauzon’s complaint that the Iroquois reduction received for the maintenance of three Fathers only 500 livres, which is the third part of the 1500 apportioned to the three.<sup>2</sup>

With liberality, the French king Louis XV. undertook to supply the altar appointments of sacred vessels, which had been pillaged at

<sup>2</sup> Brodhead, ix. 994, 995, Abstract of Despatches from Canada, October 20, 1727; approved by his Majesty, March 16, 1728. From *Ibid.*, p. 994, it appears that the 4000<sup>li</sup> were appropriated annually “from the Domain of the West under the head of ‘Jesuits,’” and that there were besides “2000<sup>li</sup> from the Marine for presents.” These 2000<sup>li</sup> were a war fund, “being employed in presents, which it is usual to give those Indians when they go out to fight.” Money so used might be considered rather as pay than “presents.” The 4000<sup>li</sup> were appropriated as a fund for the support of wives and children, while the warriors were out on their expeditions (1725-1727).

It is curious to observe that this annual sum of 4000<sup>li</sup> was put “under the head of ‘Jesuits,’ in order to conceal from the English the source whence they [*the Indians*] derived this aid” (*Ibid.*, p. 994). Such a formula of appropriation, intended to mislead, may explain and excuse somewhat an English superstition, of which Lord Bellomont was a great devotee, that the Jesuits bought Indian converts with presents. A further amplification of this idea, as taken from a recent page of Doyle’s, we have seen above (p. 274); that the Indian convert to Romanism was a recruit, “bought at the price of unlimited opportunity for killing and torturing heretics.”

the death of Father Rasla. With economy, he considered that the Jesuits might supply the furniture of the chapel, since their allowance had not been discontinued while the mission was vacant; though it does not appear from the accounts that any part of the allowance had been assigned to the Norridgewock mission. With equal liberality and economy combined, his Majesty would allow of the Jesuits sending a missionary to the Hurons at Detroit; but to Messrs. Beauharnais and Dupuy "he is very glad to explain," said he, "that he shall not allow any increase of expense for that service." He approved also of a repartition to be made in the matter of the Abenaki appropriation; and Father de la Chasse would help to make it. This cost his Majesty nothing.<sup>3</sup> At the same time with these economical adjustments, an application made for the maintenance of an additional missionary in the Tadoussac and Labrador territory met with no compliance, either then or later.<sup>4</sup> The missionary Father Laure, sent eight years before (1720) to recommence operations at Tadoussac, had received nothing from the royal exchequer.<sup>5</sup>

After the British occupation of Canada, Governor Carleton reported to the London authorities, that, for "missions to the savages" the Jesuits "formerly received a yearly allowance from the King of France of about 14,000 livres, which ceased at the conquest; as at the dissolution of the Order in France they also lost an estate of 10,000 livres a year, dependent of the College of Quebec, and applied to its particular use for the said purpose."<sup>6</sup> This statement regarding the allowance from the king is not very different from the list of appropriations given by De Beauharnais in 1727.<sup>7</sup> As to the estate in France appropriated to the college in Canada, if that was not part of the original foundation assigned by the family of René de Rohault,<sup>8</sup> it was probably of the same kind—some Jesuit's patrimony allocated to the use of the college. And if, as Carleton expressed himself, the foundation was only vested in

<sup>3</sup> Brodhead, ix. 1002, 1003, Louis, May 14, 1728, to De Beauharnais, Governor, and Dupuy, Intendant.

<sup>4</sup> Rochemonteix, *xviii*, ii. 11, 12.

<sup>5</sup> Montreal, St. Mary's College Arch., A, 18, b; a contract, May 15, 1720, between the Jesuits and the lessees of the Domain. The latter engage to give the Tadoussac missionary 600 livres. The conditions imposed on him are conceived for the purpose, not of extending the Gospel, but of rounding up the Indians and bringing them about the market centres of these trading lessees.

<sup>6</sup> P. R. O., *Quebec, I, Entry-Book*, 875, No. 22, Carleton, Quebec, August 7, 1769. —Cf. *Researches*, viii. 184.

<sup>7</sup> Possibly, there is no difference whatever between the two statements; for Carleton may be including in his 14,000<sup>l</sup> the 4000<sup>l</sup> which were put in the accounts under the heading "Jesuits" to beguile the English. See *supra*, 849, note 2.

<sup>8</sup> *Supra*, pp. 232, 233.

the name of the college, but to be used for the missions among the savages, it fell into the same category as the young Jesuit Daniau's benefaction.<sup>9</sup>

Besides the local subsidies from the royal Domain of the West, 10,600 livres, equal to £530 sterling at the most, there were the resources yielded by the Jesuit estates. In the flourishing period of colonial enterprise (1784), at a date twenty-four years after the British occupation, when fur-hunting and wars no longer dissipated the Canadian population over the continent, thirteen of the Jesuit estates, including all the principal ones, had 8612 tenants.<sup>10</sup> All this property passing under the control of the British Government in 1800, Governor Milnes made several reports of the proceeds, and at last came to the definitive statement, that the entire net income of all the Jesuit estates, some eighteen in number, amounted to £968 sterling. In the days of the missions, when Canada was so sparsely settled, the annual yield must have been very much less. To give summarily the results of financial computations, the particulars of which we relegate to a note, we find that, even taking the impossible figure for French times of £968 annually from the estates, the whole income from all sources would have amounted to £2046 sterling. At the same time, we observe that, for the year 1754, a poll tax on the Jesuits of Quebec and Montreal consumed £85 of their revenue.<sup>11</sup>

<sup>9</sup> *Supra*, p. 247.

<sup>10</sup> P. R. O., *Col. Corr.*, *Canada (Quebec)*, 1790, 50 G.; D., "Recapitulation of the State of Population of the late Jesuits' Estates."

<sup>11</sup> Taking the livre to be Parisian, and equal to a shilling, except in the case of Daniau's donation, where it was expressly tournois, equal to tenpence, we have the 10,600<sup>livres</sup> from the Domain of the West, the 10,000<sup>livres</sup> from the French estate, and the 1200<sup>livres</sup> tournois of Daniau, all together equal to £1078 sterling. Adding the figure of Milnes' report for the landed estates in the prosperous British times, £968, we reach a sum-total of £2046. The last item, £968, might well be halved or quartered, giving a total of £1562, or £1320, annual income.

If there was any other productive fund, we may hope that our colleague, P. Henri Fouqueray, will be able to discover it for a subsequent volume of his *Histoire de la Compagnie de Jésus en France (1528-1762)*. We have no doubt that the stream of benefactions, whether from friends or from Jesuits themselves, did not cease with the Marquis de Gamache's family, and Daniau. Thus the grandest edifice in North America, the College of Quebec, cost, says one memorialist, "more than £20,000 sterling." The use which the memorialist made of that fact was to advocate the familiar thesis—such a building was too good not to take, as well as all the buildings of the religious communities; it would cost the British Government too much to erect public structures for itself, and barracks for its soldiers: "il ne s'offre aucun moyen que de prendre les vastes batimens qu'occupent aujourd'hui les communautés, en détruyant ces communautés" (P. R. O., 448, f. 16<sup>v</sup>, "*Etat actuel du Canada*." See *supra*, p. 222). A hundred years before, a Jansenist had made quite a different use of this Jesuit extravagance and luxury; to prove that the Jesuits were engaged in the beaver trade, and were making 500 per cent. at the expense of all the nations. The college, he cried out, has cost 400,000 livres: "Ce frère [Joseph à Québec] gagne 500 sur 100, sur tous les peuples. Ils ont

§ 175. There were no other regular funds for the maintenance of the missions or the Quebec college. There was no pension received from students; no stipends for any spiritual ministries; no tithes or emoluments of parish priests. It was one of the many quarrels which Frontenac picked with the Fathers, that not only, said he, the Jesuits would not "civilize" the Indians, "and have, like me, some of their children"; but they would not serve as parish priests; "having declared to me," he wrote, "they were here only to endeavour to instruct the Indians—or rather, to get beavers—and not to be parish priests to the French." However, he was so far comforted that, as he observed, his "charitable admonitions" had caused a stay of proceedings in the hardening of Jesuit obstinacy against being made

No emoluments from Jesuit ministries.

basti leur collège en partie de leur traite, et en partie d'emprunt. Ce collège couste quatre cens mille livres" (Paris, Arch. Nat., K. 1232, 1, p. 85; year, 1678). The gentleman went on to give the documentary proof of a statement by saying ingenuously that he could have had a copy of the document, "if I had asked for it" (*Ibid.*, pp. 85, 86). It is a pity the gentleman did not live later to read the first lines of a document on expropriation, after the cession of Canada: "*The Jesuits*. By computation *per ann.*, full £2600, exclusive of their noble colleges at Quebec and Montreal" (Fulham Pal. Arch., endorsed "Quebec," amid many such documents of financial exploration).

Governor Milnes reported at the beginning of 1800, that the income of the Jesuit estates was £2400 per annum; at the end of the same year, he came down to less than £1500; and finally in 1808 he found the total revenue to be £968. This would allow less than half a crown of income annually, per head of tenant population (8612). Governor Carleton had reported that none of the Jesuit land paid more "than about a half-penny star'g the arpent, which is somewhat less than our acre; and a great part of the first conceded lands do not pay near so much." However, such trifling revenues from extensive estates were not peculiar to the Jesuit landlords. They were common in that patriarchal community, as the English governors explained. (P. R. O., Col. Corr., Canada (Quebec), 1790, No. 50, G, doc. D, tenants of the Jesuits.—*Ibid.*, Lower Canada, 84, No. 17, Lt.-Gov. Milnes, February 13, 1800, to the Duke of Portland.—*Ibid.*, 85, No. 87, same to same, November 4, 1800.—*Ibid.*, 92, No. 2, Milnes, June 21, 1803, to J. Sullivan, for Lord Hobart.—*Researches*, x. 41, Carleton, April 14, 1768, to Lord Shelburne.—Cf. Munro, p. 90.)

In the list of royal subsidies given above (p. 849) there appear two items charged to the Marine: the house at Montreal, and the School of Navigation at Quebec. As to Jesuits and the royal navy, we may repeat what we have recorded in another place, that Father L'Hoste's treatise on *Naval Evolutions*, first published in 1697, was used in the French navy, and called the "Book of the Jesuit." The Count de Maistre wrote of it in 1820: "An English admiral assured me less than ten years ago, that he had received his first instructions in the 'Book of the Jesuit'" (De Maistre, *De l'Eglise Gallicane*, p. 46, edit., 1821.—Cf. Hughes, *Loyola*, p. 171). Among the editions of the book, which contains also the theory of shipbuilding, one is in English: *Naval Evolutions*; or, *A System of Sea Discipline, extracted from the celebrated treatise of P. L'Hoste, professor of mathematics in the royal seminary of Toulon*, etc.; by Lieutenant Christopher O'Brien, without date. There follows an edition in Greek, done by Lieutenant Zacharias Andreades, under the patronage of his Excellency John Andreades Barbaké; Moscow, 1823 (pp. 8-212): *Στολαγωγία ἢ τοι Θαλασσιῇ τακτικῇ, συντεθεισα μὲν παρὰ τοῦ Ἰεσουῖτου Παύλου Τόστου* [!], *συντμηθεῖσα δὲ . . .* (Sommervogel, s.v. "L'Hoste").

As to the poll tax for 1754, see Brodhead, x. 271, 273. Under the head of "Jesuits' College," fifteen Fathers and Brothers of Quebec were taxed 100<sup>l</sup> apiece; giving a total of 1500<sup>l</sup>. At Montreal, four Jesuits were rated at 50<sup>l</sup> each, yielding 200<sup>l</sup>. Thus £85 were their personal contribution for war expenses or other things.

beneficed curés. He was hoping now to flank them on another side, by finding means to deal with Indian nations through other intermediaries than these Jesuits, always inevitable and indispensable.<sup>1</sup>

The forces, enterprises, and establishments to be maintained with a regular income from royal allowances and Jesuit estates, all together yielding for the time of the French period something between £1000 and £2000 sterling per annum, may be described for the same year, 1754, in which we noted the poll tax of £85 sterling deducted from their revenues. There were eight Jesuit Fathers in the college of Quebec, and three Jesuit masters. One of the Fathers, Lauverjat, was occupied with Indians. Two of them, Bonnécamp and Le Bansais, were professors, the former in the school of navigation,<sup>2</sup> the latter in that of scholastic theology. The three younger men were masters of rhetoric and other schools in the classical course. Eight Brothers were attached to the college, one of whom taught reading and writing. At Montreal, there was a superior, De Saint Pé, another Father and a Brother. With the Hurons near Quebec were two missionaries, Richer superior and another Father. Away among the Montagnais to the north, Father Coquart lived alone. "Among the Iroquois," a phrase which probably means the reductions, Father De Gonnor was superior, assisted by two others. Among the Abenakis, "in different places," there was Father Aubry superior; Gounon at Bécancourt; Virot at St. Francois du Lac;<sup>3</sup> and three other missionaries distributed elsewhere. "In a remote region," Father Potier was superior; that is, among the remnants of the Petun nation (Wyandots) on the Detroit River. Among the Ottawas were two Fathers, and one Brother, and "among various nations," Fathers de la Brosse and Girault. In this same year, 1754, Louisiana had thirteen Fathers and four Brothers, working either at the residence of New Orleans, or in the Illinois missions, or in divers places among the Arkansas, Choctaws, etc.<sup>4</sup>

<sup>1</sup> Brodhead, ix. 120, 121, Frontenac, Quebec, November 14, 1674, to Colbert.—In these two pages nearly all the paragraphs are pecking at the Jesuits, whether named or not named; and the passage on Sieur Jolliet's exploration down the Mississippi innocently omits the name of the Jesuit Marquette.

<sup>2</sup> "Prof. hydrog[raphiae ?]."

<sup>3</sup> Another St. Francis (Regis) settlement, an offshoot of Caughnawaga, was established in this same year, 1754, under the direction of Father Antoine Gordan. It became well known under the name of St. Regis; and it flourishes in our day. See *infra*, p. 418. Duquesne reported at the time that, the lands at Sault St. Louis (Caughnawaga) being exhausted, thirty of the families were moving to Lake St. Francis; and a colony of Mohawks were coming to settle their village in the same place, with a missionary accompanying them. This settlement was "twenty leagues above Montreal, on the south side." (Brodhead, x. 266, 267, Duquesne, Quebec, October 31, 1754, to De Machault, colonial minister.)

<sup>4</sup> Fleck, pp. 47, 48, *Catalogus . . . exaunte anno 1754*.—Father Fleck annotates



Thus, in the year 1754, there were fifty-seven persons distributed over the continent from Labrador to New Orleans. Forty of them were Fathers, whose stations, thus briefly indicated in the catalogue, comprehended the tribes and countries lying within reach. For instance, the term "Ottawas" as a missionary station of two Fathers signified also Illinois, Miamis, Peorias, Foxes, Pottawatomies, Sioux, etc.;<sup>6</sup> which last great nation of the Sioux Father Allouez called "the Iroquois of the West." Or again Father de la Brosse, just mentioned as one of the two "among various nations," began at this date (1754) a twelve years' ministry at Quebec, in the Abenaki missions, and at St. Henri de Mascouche. Then, being despatched in 1766 to the Lower St. Lawrence with head-quarters at Tadoussac, he devoted his labours during the remaining sixteen years of his life to the Island of Orleans, Ile-aux-coudres, Chicoutimi, Sept-Iles, Pointe de Betramis, Ilets-Jérémie, Cacerma, Ile-Verte, Rimouski, Restigouche, Bonne-Aventure, Caraquette, Poguemouche, Népissigny, Niguac, and other centres far distant from one another. These districts, ministered to by one man, were distributed over the territory of the Lower St. Lawrence on both sides, from Quebec city down to the Gulf; and on both sides of the Gulf, Labrador on the north, and modern New Brunswick on the south, as far as Prince Edward Island.

A regular income, which scarcely amounted to £26 sterling annually per man, supplied the sinews of war for the maintenance of fifty-seven persons, for their missionary outfit, for chapel furniture, which was more important in their eyes than the fitting out of themselves; also for their charities to the natives, and all their enterprises over the continent. The mission of Louisiana had no estates worthy of notice, placed to its credit.

At last we can strike a balance between the British Propagation societies and the Jesuit missions. The £3727 sterling spent (1762)

Striking a balance between Jesuits and Propagation Societies.	on the annual provision of 85 persons by the English Society for the Propagation of the Gospel; the £500 or £600 spent annually by the propagandist corporation of Boston; the items, not specified, of the Scotch society;—all these were effecting nothing among the nations. A small third of such a yearly outlay, passing through the hands of
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the catalogue by stating that the Louisiana missions were organized under a separate superior from the year 1754 onwards. But Father Jones infers from various positive data that the separate organization of the Jesuit missions in Louisiana had taken place in 1723. The civil organization of Louisiana, including the Illinois and excluding Canada, had been decreed, September 27, 1717. Cf. Thwaites, lxxi. 126, 127.—For the catalogue of 1756, see *ibid.*, lxx. 80–88.

<sup>6</sup> Fleck, p. 45.

the Jesuits, enabled them to cover a large part of the continent, not merely among nations known, but among many unknown save to themselves and trappers.

At nearly the same date which has furnished us with these particulars, the Hon. Cadwallader Colden, member of the New York Council, some time surveyor-general, and afterwards lieutenant-general, volunteered to Governor Clinton (1751) a theory on the work of Catholic missionaries.

Colden's  
theory on the  
problem.

He said, "The French have priests among the several nations in amity with them"; but "they have not been able to settle any priests anywhere in the villages of the Six Nations"—Iroquois and Tuscaroras. Then he propounded his theory: "Many of these priests are for the most part engaged at a cheap easy rate, by a spirit of enthusiasm; and others by a hope of preferment." The "hope of preferment" he illustrated by the case of some priest then at Cataracqui, one who was said to be "a person of considerable estate," and was "distributing large presents," besides employing "other artifices," among the neighbouring Six Nations. This liberality Colden forthwith explained, by projecting upon it the only light which his mind could turn on such a strange performance, as that of giving anything to anybody. The missionary, said he, was doing so, "on the promise he has had of a bishoprick, after some certain term of service among the Indians."<sup>6</sup>

Putting aside this part of Colden's idea, that preferment to a bishopric must have been the motive for doing something religiously good in this world—a preferment which, with Jesuits, could be only to a better world, or to a better place in it—we are inclined to adopt the rest of Colden's speculation, notwithstanding its crudeness, that the priests were "for the most part engaged at a cheap easy rate." This means that they cost little to others, however much they cost themselves—a method of procedure somewhat insulting to the notions of the world, if not subversive of its principles. It would be in vain to look among the records of secular or regular clergy in Canada for such an expression of self-congratulation as we find indulged in by the Rev. W. Hooper, of Boston (1763); that a recent foundation

A practice  
more con-  
genially  
economical.

<sup>6</sup> Brodhead, vi. 748, Colden, N.Y., August 8, 1751, to Clinton.—The person under observation was probably Father Francois Ploquet, a Sulpician, who began his work at the Presentation, now Ogdensburg, about 1750, remaining there till 1760. Archbishop Corrigan reports from a Sulpician source that, "on account of his great missionary success, he was called by the English 'The Jesuit of the West';" where the term "West" is evidently used with reference to the Iroquois cantons. (*Rec. and Studies*, i. 41, 42.)

of £60 annually, made for his assistant at Trinity Church, "with the salary payed to me, and other charges, make about £300 sterling per annum"; a greater voluntary sum, exclaimed the reverend gentleman expansively to his Grace of Canterbury, than was perhaps expended by any other congregation in America, belonging to the Church of England.<sup>7</sup> That kind of enthusiasm over £300 per annum spent on two men sprang from a different kind of pastoral divinity and somewhat more intelligible to a mind like Colden's, than what the latter gentleman was contemplating in the "spirit of enthusiasm," manifested by Catholic missionaries. It did not shock the sense of economical propriety. Nobody had anything to say against £300 per annum being sunk in the family comfort of two genteel ministers. Nor, on the other hand, do we know of any one, outside of outraged Canada, who uttered a word of protest against the project, insisted on during forty years, of applying the eighteen Jesuit estates in Canada to the exclusive use, comfort, honour and enlightened pleasures of one single family, that of Lord Amherst.

At the same time, in the name of "Mortmain," there was not an enlightened person but might well take exception to such enormous wealth being administered by a Catholic religious Order, in providing homes for over 8000 tenants, and in spending the proceeds on a continent, while the members lived under a vow of personal poverty. We see Frontenac cited to tax the Jesuits with land-grabbing.<sup>8</sup> We find them carped at gravely for having taken good land which was offered them instead of going to look for worse, or leaving the good things for good laymen to take up at some post-humous date. The tardy indemnification of the Jesuits in the nineteenth century for the perversion of their religious property to other uses we find ascribed to "no legal validity," but to "clerical bitterness." In short, the Church at large in Canada, including the other religious institutions, the hospitals, the bishopric and the seminary, have all fallen under the same economical stricture; not because they used their property as well as the Jesuits did, but because they had it—locked up in perpetuity for religion, charity, and education.<sup>9</sup> During one or two hundred years Mortmain had said it, the world was not large enough to tolerate such uses. Indeed, J. Belknap wrote in 1780 to Ebenezer Hazard, that "the robbing

Historical criticism of the economic sort.

<sup>7</sup> Lambeth Pal. MSS., 1123, iii., No. 332, W. Hooper, Boston, November 28, 1763.

<sup>8</sup> Cf. *supra*, p. 343, note 2; *infra*, p. 666.

<sup>9</sup> Munro; pp. 180-182; 250, note.

some rich Roman churches," was an action so "good in itself," and so deserving of God's "more peculiar care" and providence over the robbers, as to be antecedently justified—if not by faith nor by works, at least by sound economics.<sup>10</sup> Hazard heartily endorsed the excellent idea, and reinforced it by adducing the example of Henry VIII., who "converted the abbey lands, etc., to Protestant uses,"<sup>11</sup> or the uses of profligate courtesans.

To supplement Colden's speculation about the "cheap easy rate" at which French missionaries were "engaged," we may present in the last place a somewhat divergent theory, propounded in the *Cambridge Modern History*. A writer observes of the missionaries in Canada, that "the lines of Jesuit enterprise were fairly varied"; and, after this light damnation with faint praise, proceeds as follows: "Unlike the Recollets, the Jesuits were under no vow of poverty, and encouraged agriculture and trade, with that definiteness of purpose which they possessed, by virtue of their intellectual superiority."<sup>12</sup> Here the faint praise has become somewhat incoherent. The idea, however, with which the writer's mind is obtusely struggling, may be set forth clearly thus: That as the Jesuits, in point of fact, encouraged agriculture and trade by their administration of resources and estates, then, in point of fact, they must, unlike the Recollets, have been under no vow of poverty, but individually free to spend their resources on themselves; and, since they did not do so, they showed their intellectual superiority.<sup>13</sup>

A criticism of the obtuse sort.

How Boston and Canterbury, and other genteel places or comfortable interests, might be affected by such a conclusion arrived at

<sup>10</sup> *Mass. Hist. Soc. Coll.*, 5th series, ii. 48, Belknap, March 13, 1780, to Hazard, on Hennepin's having approved of two beavers, votive offerings to an Indian divinity, being removed from a tree. Though there is no word in Belknap's account that Hennepin approved of a theft, the writer proceeds: "Would not this be an excellent argument to justify the robbing of some rich Roman churches, and converting their useless treasures to more valuable purposes than the adorning of wooden Saints, or the inshrining of rotten bones?"

<sup>11</sup> *Ibid.*, 46, Jamaica Plain, April 1, 1780.—In all the keen sharpshooting of people at Jesuits during more than a century, one negative feature of the guerilla warfare might escape casual notice. It is that no one seems ever to have sighted a weak spot in the personal integrity of any Jesuit—no lapse in virtue, no scandal of any kind in all that exposed life from the Gulf of Mexico to Lake Superior and Newfoundland. And yet, between 1611 and 1778, the Jesuits working in this territory amounted to 820, including lay brothers. (Thwaites, lxxi. 187–181.) *Of. History*, I. 121.

<sup>12</sup> *Camb. Mod. Hist.*, vii. 77. Cf. *supra*, p. 289.

<sup>13</sup> Similar blankness of mind on subjects rashly taken up may be witnessed in J. Douglas, *Old France in the New World*, pp. 411–415, where, for want of equipment on the meaning of vows, communities, orders, exemption, episcopal jurisdiction, etc., the author conducts the Canadian actors through the antics of a meaningless comedy; as the *pas perdue* of the Cambridge writer's logic strands the conclusion at the wrong end of what was intended.

in Cambridge, does not concern us. But, as to the Jesuits, it was because of personal poverty, the subject of one vow, that they were rich for the public, and for the native races of a continent. Bacon on the "Charity," as Bacon says, "will hardly water a ground, situation. where it must first fill a pool." It was because of another personal obligation, under the vow of chastity, that great works abounded with them. "Certainly," says the same Bacon, "the best works, and of greatest merit for the public, have proceeded from the unmarried or childless men, which, both in affection and means, have married and endowed the public."<sup>14</sup> Both principles have been expressed in sacred language; that a poor life is compatible with many good things, to have them and to do them; and that the unmarried and the chaste have time to think on the things of the Lord, being holy both in body and spirit."<sup>15</sup> Finally, Bacon makes another reflection, that "even modest means, when they come into the hands of great men, or to the service of great undertakings, produce at times important and brilliant results."<sup>16</sup>

Now we may change the point of view; and, passing over from the French side of the border, look at the doings of the Jesuits from the side of English policy.

§ 176. In 1670, Francis Lovelace, Governor of New York, after offering the inducement of 1000 Dutch guilders, with habitation and firewood free, to any minister who would come from Holland and serve the bereaved congregation of New York,<sup>1</sup> turned his eyes towards the savage country of the Iroquois cantons, and espied Jesuits there. He wrote to London: "A small party of Jesuites, consisting of four besides their servants, in all eleven, have settled themselves on this side the Lake of Irecoies [*Lake Ontario*]. They pretend it is no more but to advance the Kingdom of Christ, when it is to be suspected, it is rather the Kingdome of his Most Christian Majestie."<sup>2</sup> A few years later (1675), the Duke of York, who was proprietary of New York, instructed the next governor, Major Andros, to bring about a good understanding between the Mohawks and the French, "as that the French may not come on this side the Lake or River Canada, to divert the trade or annoy the Mahakes."<sup>3</sup>

<sup>14</sup> *Essay, Of Marriage and Single Life.*

<sup>15</sup> Tob. iv. 28. 1 Cor. vii. 84.

<sup>16</sup> *De Dignitate, etc. Scientiarum*, l. vi. c. 4. He is speaking of education, and he returns to the subject of the Jesuits with commendation.

<sup>1</sup> Brodhead, *ibid.* 189; June 28, 1670.

<sup>2</sup> *Ibid.*, 190, Lovelace, October 3, 1670, to Secretary Williamson.

<sup>3</sup> *Ibid.*, 238, Sir J. Werden, secretary, September 15, 1675, to Andros.—For divers

Four months after that sufficed for a further move forward, by wedging in the idea of a right behind, and claiming the Mohawks' land. Andros was thus addressed: "As to your thoughts of bounding the Dukes territories northwards by Canada, <sup>Iroquois territory evolving into English land.</sup> you will doubtless doe well to looke upon them alwayes as being soe bounded, the Dutch having ever claymed and never lost the possession of the same." This was rather a compliment to the imperialism of the fur-traders at Albany, that they had thought themselves to be vested with empire over the Iroquois, when they were bidding for truck. But no authority for the statement was mentioned, neither their High Mightinesses in Holland, nor the plain Dutch in New Netherland. The instruction continued: "When any occasion shalbe to take out a new patent (be it upon the better adjusting the boundaries with Connecticut or otherwise), then care wilbe had of fixing this northerne limitt."<sup>4</sup> It was all to be a silent penetration and pacific. The Duke of York commended the considerateness of Andros in "forbidding the sale of powder to any Indians except the Maquas [*Mohawks*] (whose friendship with you is necessary to be preserved)"; for, it was added, "though our neighbours Christians deserve small courtesy from us, yet still theire being Christians makes it charity for us not to furnish theire enemyes with the opportunityes or meanes to hurt them."<sup>5</sup>

Commercial interests were actuating this steady pressure towards political appropriation. Frontenac told King Louis XIV. in 1679, that Governor Andros "was soliciting the Iroquois underhand to break with us, and was about convoking a meeting of the Five Nations, to propose, it was reported, strange matters there, of a nature to disturb our trade with them, and also that of the Outawas and the nations to the north and west"; and it was only an outbreak of small-pox which foiled the English governor.<sup>6</sup>

Colonel Thomas Dongan, the next governor, endeavoured to make a reality of certain paper claims contained in the Duke of York's patent from Charles II.,<sup>7</sup> and to interpret effectually the novel ideas of enlarging the New York territory. These novel claims M. De Callières summed up to the Marquis de Seignelay, as comprehending reasons the name "Mohawk" was frequently used by the tribes of New England, and by the whites, as a synonym for the whole Confederation of the Iroquois Five Nations. (Smithsonian, *Ethnology*, bulletin 30, l. 924.)

<sup>4</sup> Brodhead, iii. 237, Werden, January 28, 1676, to Andros.—The French were not at all of the same mind as the Duke of York, "they pretending no bounds that way" (*Ibid.*, 278, Andros, March 25, 1679, to Blathwayt).

<sup>5</sup> *Ibid.*, 238, Werden, August 31, 1676, to Andros.

<sup>6</sup> *Ibid.*, ix. 129, Frontenac, November 6, 1679, to the king.

<sup>7</sup> Cf. *Ibid.*, iii. 215, Commission of Andros, 1674.

the country of the Iroquois, the entire rivers St. Lawrence and Ottawa, the lakes Frontenac (Ontario), Champlain, and others adjoining, "which form almost the whole of New France."<sup>8</sup>

**Dongan's enterprise and trilateral policy.** In the direction of Acadia, Dongan had called upon Baron de St. Castin and the French to recognize his authority in those parts. He made advantageous offers, undertaking to introduce no change with regard to religion—this English governor "being a Catholic," observed De Callières, "and having a Jesuit and priests along with him, which circumstances render his efforts much the more dangerous."<sup>9</sup> Thus of Dongan we hear it affirmed that he was more dangerous, because he was a Catholic; while of Andros, his successor, the same De Callières, Governor of Montreal, wrote that he was more hopeless, because he was a Protestant.<sup>10</sup>

There were three distinct elements in Dongan's campaign. One was what he thought privately, and expressed to the authorities in England. Another, totally different, was what he said openly in his dealings with the French authorities, and the action which he took with the Five Nations of Iroquois. A third was the measure on which he rested his success with the Indians; and that was the Jesuit supply. He undertook to supplant French Jesuit missionaries with English Jesuits. This complicated policy needed the tact of a diplomat abler than the blunt colonel of Limerick. The fact that the two Crowns of France and England were at peace, and the two sovereigns Catholic, made the policy still more difficult to execute. And, when these two Crowns made a Treaty of Neutrality in 1686,<sup>11</sup> covenanting and agreeing that the governors, officers and subjects of either king should not in any way molest or disturb the subjects of the other in settling their respective colonies, or in their commerce or navigation, the situation of this over-zealous governor became precarious to a degree. Besides, if his repeated demands for English Jesuits were congenial enough to the Catholic king, James II., recently Duke of York, those same demands came to a Plantation Board, which was anything but Catholic.

<sup>8</sup> Brodhead, ix. 265, memoir (1685).

<sup>\*</sup> *Ibid.*, 266.

<sup>10</sup> *Ibid.*, 404, memoir, January, 1689.

<sup>11</sup> *Ibid.*, iii. 388; December 26, 1686.—*Cf. Ibid.*, 504, 505, order of the king to Dongan, January 22, 1687, conveying the instrument of agreement signed by commissioners.—P. R. O., 563, f. 139, this same Treaty of Neutrality (November 16, 1686) appealed to by Bd. Tr., October 8, 1725, to ward off the Abenaki Indians. The Board's language, nevertheless, shows uncertainty as to the ownership of the land "eastward of Kennebeck and Penobscot," where Rasle's mission lay. See *supra*, p. 273, note 7; *infra*, p. 374.

Privately then, Dongan explained to the lords of the Committee on Plantation Affairs, that "the great difference between us," the English and French, "is about the beaver trade; and in <sup>Confessions</sup> truth they have the advantage of us in it, and that by <sup>in private.</sup> no other means than by their industry in making discoveries in the country before us. Before my coming hither no man of our Government ever went beyond the Sinicaes country."<sup>12</sup> He wrote: "If the French have all that they pretend to have discovered of these parts, the King of England will not have one hundred miles from the sea anywhere"; only one man, Roseboon, two years before, had at Dongan's instance travelled so far as the Ottawas and Twiswicks.<sup>13</sup> He said meekly enough in private: "The French ought to have the north and east of the Great Lakes, but I hope they will leave us the south and west."<sup>14</sup> Yet again he wrote to the Lord President of the Plantation Committee: "The claim the French can make to the farther Indians [*Ottawas, etc.*], or any on this side of the Lake, is no other than that which they may have to Japan, which is, that some of their priests have resided amongst them."<sup>15</sup> He admits plainly, that he has supplied the Senecas with "powder, lead, arms, and other things."<sup>16</sup> War had broken out between this Iroquois nation and the French.

Addressing publicly the two parties engaged in a struggle which was to end disastrously for the Senecas, and to establish a high prestige of the French power, Dongan adopted a tone different from that of his private confessions to London. Of the Nations he required that they should break off all inter-<sup>Assumptions in public. To the Five Nations.</sup> course with the French, and ingratiate themselves with the distant Hurons and Ottawas, in order to attract the beaver trade towards New York. According to a French report, the Iroquois were to escort a detachment of thirty Englishmen, who should take possession of Michilimackinac, and of all the lakes, rivers and lands adjacent, long in possession of the French.<sup>17</sup> At the same time, Dongan endeavoured to recover the Mohawk Christians who were settled at the Sault St. Louis under the care of the Jesuit Fathers. If they would return, he undertook to provide them with other land, and an English Jesuit to govern them. The

<sup>12</sup> Brodhead, iii. 365, Dongan's report (1687).

<sup>13</sup> *Ibid.*, 476, Instructions for Capt. Palmer, September 8, 1687.

<sup>14</sup> P. R. O., *Cal.*, xii. 604, § 1158, Dongan, May 20, 1687.

<sup>15</sup> Brodhead, iii. 429, Dongan (1687).

<sup>16</sup> *Ibid.*, 429.

<sup>17</sup> Cf. *Ibid.*, ix. 363, (Denonville's) memoir, October, 1687, on two such expeditions of about 30 Englishmen apiece, intercepted on the way to Michilimackinac.



Five Nations, of course, were to send away the French Jesuits, and admit no missionaries but his own. If an inroad were made into their country by the Governor de Denonville, Dongan would come to the rescue. Meanwhile, the Iroquois should plunder all Frenchmen who visited them, and deliver the prisoners to him.<sup>18</sup> In this French report, the Iroquois forces at the time were reckoned at 2000 picked warriors, "brave, active, more skilful in the use of the gun than our Europeans, and all well armed; besides 1200 Mohegans (Loups), another tribe in alliance with them, as brave as themselves—[these numbers] not including the English, who will supply them with officers to lead them, and to intrench them in their villages."<sup>19</sup>

Of the Canadian governor Dongan made demands which De la Barre pronounced "chimerical." He claimed for the King of England all the country of the Iroquois, "and all the vast extent of territory they have depopulated along Lakes Ontario, Erie, Huron, Michigan, as far as the Illinois; of all which countries the said colonel has no knowledge nor map."<sup>20</sup> As to Dongan's claims on French Acadia, De la Barre warned him: "The Treaty of Breda so clearly settles this affair, that I beg of you to take care beforehand not to undertake anything against its tenor."<sup>21</sup>

Indeed, the English governor had in divers instructions from the Duke of York some saner principles of policy on which to proceed. On all occasions, it was said, he should "gaine and procure from the Indians upon reasonable rates and termes such tracts and quantities of ground as are contiguous to my other lands or convenient for my territoryes in trade, either sea ports or others, thereby to enlarge and secure my territoryes"<sup>22</sup>; and in winning the trade of the Indians he was to treat with them without offending the French.<sup>23</sup>

The whole question resolved itself into the French rights of ancient discovery, which Dongan could not undo; into French occupation through the agency, as he said, of French Jesuit missionaries,

<sup>18</sup> Brodhead, ix. 319, 320, memoir, for De Seignelay, January, 1687.—But this last point was explained otherwise by Dongan: that he merely required a pass either from himself or from the French governor, to authorize any visits. (*Ibid.*, iii. 463, 465, to Denonville.)

<sup>19</sup> *Ibid.*, 321.—Another account, given from the Smithsonian bulletin, *infra* (p. 364), allows the Iroquois 2250 warriors for this date.

<sup>20</sup> *Ibid.*, ix. 268, De la Barre, November, 1684, to De Seignelay.

<sup>21</sup> *Ibid.*, iii. 450, De la Barre, July 25, 1684, to Dongan.

<sup>22</sup> *Ibid.*, iii. 884, January 27, 1688; 874, § 58, May 29, 1686.—Cf. *Ibid.*, 219, § 15, Instructions to Andros, July 1, 1674.

<sup>23</sup> *Ibid.*, 341, 352, 353.

whose work he proposed to undo; and into the use of arms, wherein he was tampering with the peace between two Crowns. After the Treaty of Neutrality, concluded in London (1686), Louis XIV. prepared to call for the dismissal of a governor who would not conform to the instructions of his king, James II.<sup>24</sup>

§ 177. The Jesuits were in the heyday of their second Iroquois mission among the cantons, when in 1682 the Senecas and Cayugas went on the war-path against the distant Miamis, Ottawas and Illinois. A complaint of these Iroquois tribes about M. de la Salle had been favourably answered by Governor de la Barre, who removed La Salle from the charge of Fort St. Louis on the Illinois River, and sent him to France. Nevertheless, the Senecas and Cayugas made an unexpected attack on Fort St. Louis, and intercepted a convoy of French. De la Barre prepared a punitive expedition against the culpable tribes, and expected that Dongan, Governor of New York, would understand the situation.<sup>1</sup>

At this critical moment (1684) the two Fathers Lamberville, John the superior and James, resided at Onondaga, and were held in the highest consideration by the chiefs and ancients. They had their colleagues, Milet, Vaillant, Julien Garnier, Morain, serving the missions around. De Carheil had been forced to vacate his post among the Cayugas in 1683.<sup>2</sup> The prospect opening of a peace between the Senecas and French, Father John de Lamberville, whose Indian name meant "The Dawning of the Day,"<sup>3</sup> wrote from Onondaga a courteous and fraternal letter to Dongan, hoping that with his help the work of Christianity would advance smoothly. Father Dablon also sent to Dongan a letter, thanking him for protection afforded by him to the Fathers Lamberville.<sup>4</sup>

Whatever the hopes of quiet and peace for the missions, they were rudely dispelled by an act of the Marquis de Denonville, who had succeeded De la Barre as Governor of Canada. Through

<sup>24</sup> Cf. Brodhead, ix. 322, Louis XIV., March 30, 1687, to Denonville.

<sup>1</sup> *Ibid.*, iii. 447, 448, 450, 451, De la Barre, June 15, July 25, 1684, to or for Dongan.

<sup>2</sup> Rochemonteix, *xviii*, iii. 168-170.—Cf. Brodhead, ix. 360 (Denonville's) memoir, October, 1687, on two Cayuga prisoners taken: "One of them, named Oreouaté, cruelly maltreated and persecuted the Reverend Father de Careill, when he was missionary in their village, besides committing many robberies on him, and on many of our Frenchmen and Indian allies." The same memoir records another incidental experience of missionary life: "The Reverend Father Enialran, missionary among the Outawas savages whom he had brought to us, was wounded in this action" (from an ambuscade of Senecas). (*Ibid.*, 365.—Rochemonteix, *xviii*, iii. 194.)

<sup>3</sup> Teforhensere.

<sup>4</sup> Brodhead, iii. 453, 454, Lamberville, Onondaga, September 10, 1685, to Dongan; Dablon (Canada), to same.

Father John de Lamberville he invited deputies from the Iroquois to meet him at Fort Frontenac (1686). When they had come, he seized

the deputies, and deported them as prisoners to France.<sup>5</sup> The indignant Iroquois chiefs had Lamberville in their power. But they told him that they did not consider him responsible; and they conducted him to the frontier.<sup>6</sup>

After various vicissitudes in the disturbance of the missions, the one positive residue of missionary value was the presence of Father Milet in the cantons. He was a prisoner. We shall see later that his captivity among the Iroquois became as annoying to the English and Dutch as his freedom had been.

The displacement of the missionaries proved in the event to be an irreparable loss for the French interest; although the success of French arms exalted the prestige of Canada. By loss in battle, by the withdrawal of Catholic Iroquois to Canada, and by disease in the cantons, the Five Nations, who in 1689 were computed at 2250 warriors, sank in nine years to 1230, scarcely more than half the former number. If their forces in the sequel seemed to maintain respectable proportions, that was owing to the Iroquois system of wholesale adoption; aliens, it was reported, coming to equal or exceed the number of real tribesmen.<sup>7</sup>

Meanwhile, Governor Dongan had been doing his best to profit by the French-Indian dissensions. In 1684, he stated in round terms to Governor De la Barre, that the Iroquois "are under this government, as doth appear by his Royal Highness' pattent from his Majestie the King of England, and their submitting themselves to this government, as is manifest by our records. His Royal Highness' territorye reaches as far as the River of Canada." A few days later, he wrote that he had "ordered the coates of armes of his Royal Highness the Duke

English  
patents and  
coats-of-  
arms.

<sup>5</sup> Brodhead, iii. 520, 579.

<sup>6</sup> Rochemonteix, xvii, iii. 616, Lamberville's relation; Paris, January 28, 1695.—A degree of responsibility lay upon the shoulders of the French Court, which had been calling for Iroquois "prisoners of war," during two years previously, with the double intention of weakening the tribes, and providing first-class galley-slaves for the King of France. Besides, there appears no sign of the Court having disowned the French governor, Denonville, for his act of treachery. (Cf. Brodhead, ix. 238, 315, 323, 375, despatches from the French Court, 1684-1687.) When Denonville himself, writing to the French Minister (De Seignelay), two years after his *coup d'état*, recommended, as a measure of expediency and necessity, that in the interests of peace "the Iroquois who have been sent to the galleys" should be restored to their country, and "be dressed somewhat decently," the Minister quite imperturbably appended the notes: "Such orders are given. To give order to furnish them with clothes." (*Ibid.*, ix. 395, abstracts of Denonville's and Champigny's letters, August 10—November 9, 1688.)

<sup>7</sup> Smithsonian, *Ethnology*, bulletin 30, i. 619.—Rochemonteix, xvii, iii. 159-201.

of York to be put up in the Indyan castles, which may diswade you from acting anything that may create a misunderstanding between us." <sup>8</sup>

Since the Five Nations were so manifestly subjects of Great Britain, Dongan proceeded to look for some more colourable title, under which he might consider them subjects. In the very next month, he and Lord Effingham of Virginia held a conference with two of the Five Nations, the Onondagas and Cayugas, in a reunion at Albany; where he obtained the declarations, that the Iroquois put themselves under the protection of the Duke of York, and under the "great Sachim Charles that lives over the great lake"; and, said they, "Lett your freind that lives over the great lake know that we are a free people, uniting ourselves to what sachem we please." <sup>9</sup>

The first part of this complex statement Dongan reported to London, that the Iroquois had "submitted to this government." The second part he left alone, that they were a free and independent people. <sup>10</sup> The same Onondagas and Cayugas, with the Oneidas, affirmed at Montreal, four years later, that the whole idea of subjection was a fiction of Dongan's: "that they had always resisted his pretensions, and wished only to be friends of the French and English equally, because they held their country directly of God, and had never been conquered in war, neither by the French nor by the English." They signed their totems here with great solemnity, "The Rattle-snake," "The Wolf," and all the rest. <sup>11</sup> Nearly eighty years later, Sir William Johnson deprecated to the Lords of Trade the use of such a word as "subjection" with Indians; saying, that they never meant or intended "anything like it"; and he added: "neither have they any word which can convey the most distant idea of subjection." He observed that, in negotiations, the French were much more intelligent than the English. That was true; but then the French were not so tormented as the English with what Johnson called, "the thirst after Indian land,"—a phenomenon, said he, "become almost universal." <sup>12</sup>

<sup>8</sup> Brodhead, iii. 448, 449, Dongan, (June 24), July 5, 1684, to De la Barre.

<sup>9</sup> *Ibid.*, 847, 417, 418; August 2, 1684.

<sup>10</sup> *Ibid.*, 868, Dongan, August 11, 1685, to secretary Blathwayt.

<sup>11</sup> *Ibid.*, ix. 385; June 16, 1688, conference with Denonville.

<sup>12</sup> *Ibid.*, vii. 674, Johnson, October 30, 1764, to Bd. Tr.; 880, December 16, 1766, to Shelburne.—When Governors Clinton of New York and Shirley of Massachusetts had incautiously put it down in writing, that the Five Nations were "subjects" of the British king, and the French made capital of it with the Indians, Clinton

As in religion, so in politics, the native mind might be excused, for sometimes making complex or contradictory statements regarding their relations with whites. In religion, the Iroquois were very slow in catching the idea of Bellomont's sectarian Christianity."<sup>13</sup> In politics, they conceived that all whites were very much the same; and, if now they distinguished well enough between English and French, still their forefathers had handed down a tradition, which we find them at this date still unable to rectify. It was that once upon a time a great ship had come to the country, having aboard one "Jaques" [*Cartier*]; that they had made a covenant of friendship with the said Jacques [*a Frenchman*]; "which covenant has since been tied together with a chaine"; and this strong covenant they did now renew, giving "four pieces of beaver"—to Governor Sloughter, an Englishman!<sup>14</sup> But, as to the idea of subjection, it needed no Indian philology to exclude that notion from the treaty made with Dongan and Effingham, nor Indian acumen to distinguish a defensive alliance from subjection to their British allies, whom they were defending against the French. Englishmen, when it suited their interests, could make this distinction, and on an Indian question. So reasoned some Virginian petitioners to Lord Culpeper: "The subjection of the Indians to the king was no other than the putting themselves under his protection."<sup>15</sup> A weak power does not surrender its independence and right to self-government by associating with a stronger, and receiving its protection. This is the settled law of nations, observes Kent.<sup>16</sup>

§ 178. The disputation colonel seems to have been more than a match in point of style for the French gentlemen of Quebec. He did not see that De la Barre's claims to the Illinois country, 400 leagues south-west from Montreal, "by your twenty-five years' possession, and sending Jesuits among them," were anything but "very slender" pretences; "and," he continued, "it may bee, you have the same to other countries."<sup>1</sup> This idea the colonel enlarged on to the Marquis

A French claim based on Jesuit work.

carefully instructed Colonel Johnson to explain the phrase away; that it "could not be construed to their prejudice, since all the Governors of New York are the king's subjects; and they [*the Indians*] have always acknowledged themselves to be brethren to the English and children of the Great King; that the French deceive them by putting any other construction on that word," etc. (Brodhead, vi. 507, Clinton, May 19, 1749, to Johnson.)

<sup>13</sup> Brodhead, iii. 775, conference of Sloughter with Iroquois, Albany, June 2, 1691.

<sup>14</sup> P. R. O., *Cal.*, v. § 1582, i.; October 5, 1680, on a Narragansett question.

<sup>15</sup> 3 Kent, *Comm.*, 884.

<sup>16</sup> Brodhead, iii. 452, Dongan (1684) to De la Barre.

de Denonville: "Father Bryare [*Bruyas*]," said he, "writes to a gentleman there, that the King of China never goes anywhere without two Jessuits with him; I wonder why you make not the like pretence to that kingdom?"<sup>2</sup> Dongan remonstrated with the French governor on the Jesuits carrying away Iroquois to Canada, "as they have already done a great many." The marquis, replying, undertook rather bootlessly to inform him, that during more than eighty years a great number of Jesuit missionaries had laboured with infinite pains for the conversion of the poor savages; that a number of martyrs had laid down their lives; that, "before Manate belonged to the king your master—being in possession of the heretic Dutch, as you are aware—our missionaries, persecuted and martyred, found there an asylum and protection." The marquis was surprised that, under a Catholic king, his Catholic Governor of New York should now "find it strange and be scandalized" at the missionaries labouring so usefully for the conversion of the heathen. But more strange still was it, continued Denonville, "that people should have come last year into our missions [*the Iroquois reductions*] with presents from you, to debauch and dissuade our Christians from continuing in the exercise of the holy religion, which they profess with so much edification."<sup>3</sup>

Speaking of the missionaries among the Iroquois in 1686, Denonville said to Dongan: "Think you, Sir, that they can reap much fruit, whilst the savages are allowed no peace in the villages, in which our missionaries are established?" Of the attempts made by the New York traders upon the far-off Ottawas and other tribes, the same Canadian governor said again: "Think you, Sir, that religion will make any progress, whilst your merchants will supply, as they do, *sau de vie* in abundance, which, as you ought to know, converts the savages into demons, and their cabins into counterparts and theatres of hell?"<sup>4</sup> Dongan replied, by professing the best intentions; but he added: "Certainly our rum doth as little hurt as your brandy, and in the opinion of Christians is much more wholesome; however, to keep the Indians temperate and sober is a very good and Christian performance, but to prohibit them all strong liquors seems a little hard and very

The merits  
of New York  
rum.

<sup>2</sup> Brodhead, iii. 474, Dongan, September 9, 1687, to Denonville.—The phrase, "to a gentleman there," that is, in Canada, betrays one instance of the amenities practised, in the interception of letters.

<sup>3</sup> *Ibid.*, 470, 471, Dongan, June 11, 1687, to Denonville; reply of latter, August 22, 1687.

<sup>4</sup> *Ibid.*, 459, 462, Denonville, June 20, October 1, 1686, to Dongan.

Turkish."<sup>5</sup> He said that he was appealing to King James for "some Fathers to preach the Gospel to the natives," and to reform them from "drunken debouches," while of course the drink was being supplied.<sup>6</sup>

Thus, in the campaign against liquor, which no Indian could touch with moderation, the policy of the missionaries had savoured of Pharisaism to the French Minister of Marine and to Frontenac; but it savoured of Mahommedanism to the English governor. In 1703, a report submitted to the French king contained the general statement, that the zeal and labours of the Jesuits and other missionaries "would have borne more fruit, were it not for the frightful disorder caused by the sale of brandy to the Indians; which they have ever opposed, despite the efforts of the governors and intendants, who sedulously protected it for the sake of gain."<sup>7</sup>

"I am daily expecting religious men from England, which I intend to put among those Five Nations," said Dongan to the French governor. Denonville answered neatly: It was a sorry excuse for destroying missions to profess the intention of building them up again; and that at some unknown date, when new missionaries should have had time to learn the language and have acquired experience to know the ways of American Indians. Dongan delivered the further pronouncement: Lamberville among the Iroquois in the cantons, and the Iroquois themselves of the Canadian reductions, must mind their own business, and not "debauch" the Five Nations by inducing others to leave their pagan homes for Christian Canada. Denonville replied, that the English governor need not worry himself with instructing the missionaries: "I assure you there is not one who would not willingly be burnt alive, were he assured that he could attract by his martyrdom all the Indians to the Christian and Catholic faith." Was that what Dongan meant by "debauching" the natives?<sup>8</sup>

§ 179. This matter of the Catholic Mohawks in Canada was represented by Dongan under another form, in his negotiations at New York with Father Vaillant and M. Dumont, agents of the Canadian governor. He considered those Christian Indians as having "been drawn thither under pretext of religion," and that they "would

<sup>5</sup> Dongan knew the Turks. He had been Governor of Tangier.

<sup>6</sup> Brodhead, iii. 463, Dongan, December 1, 1686, to Denonville.

<sup>7</sup> *Ibid.*, ix. 758.

<sup>8</sup> *Ibid.*, iii. 471, 472, Dongan, June 11, 1687, to Denonville; Denonville, August 22, 1687, to Dongan.

return to their friends and country, if they were not hindred by the French."<sup>1</sup> But he did not fail to touch the very essence of the whole question, when, under the guise of a remonstrance to Denonville, he spoke of making disturbance "for a little pelttree";<sup>2</sup> and again, on the subject of the Five Nations, when he asked, if they were not subjects of the English king, whose subjects were they?<sup>3</sup> Of course, these domestic but independent nations were nobody's subjects. But the little peltry, not to mention their good land, made it very necessary that they should be the King of England's.

The paramount question of missionaries.

To Sunderland, Lord President, he conveyed the peremptory counsel: "Whether peace or war, it is necessary that the forts be built, and that religious men live amongst the Indians."<sup>4</sup> He wrote: "My Lord, I send over proposalls made by the Maquaes [*Mohawks*], whereby your lordship may see how necessary it is to send over some religious men amongst the Indians; for the greate dispute between the French and us is, who shall have the Five Nations. And its theyr greate advantage to have their priests among them, who court the Indians with greate expence, to come to Cannada. I am certeynly informed that, if our people that are gon to the farr Indians can prevayle with them to come to Albany, wee shall gett the trade from the French."<sup>5</sup> He was also sending "to the Christian Indians about Canada, who have a mind to come, to let them know I will get a priest for them. I will do what is possible for me to save the government against the French, til I have further orders from your lordship."<sup>6</sup> He admitted candidly to the Lords of Trade what splendid work the French Fathers had done among the Five Nations; they "have converted many of them to the Christian faith, and doe their utmost to draw them to Canada; to which place there are already 6 or 700 retired, and more like to doe, to the great prejudice of this government, if not prevented. I have done my endeavors, and have gone so far in it, that I have prevailed with the Indians to consent to come back from Canada, on condition that I procure for them a peece of land called Serachtague [*Saratoga*] lying upon Hudsons River above forty miles above Albany, and there furnish them with priests."<sup>7</sup> He described "the Indians that

<sup>1</sup> Brodhead, iii. 529; February, 1688.

<sup>2</sup> *Ibid.*, 455.

<sup>3</sup> *Ibid.*, 455, 474; May 22, 1686; September 9, 1687.

<sup>4</sup> *Ibid.*, 477, Instructions to Judge Palmer, September 8, 1687.

<sup>5</sup> P. R. O., *Col. Papers*, 60, Dongan, N. Y., May 20, 1687, to Sunderland.

<sup>6</sup> Brodhead, iii. 478, same to same, September 12, 1687.

<sup>7</sup> *Ibid.*, 894, Dongan's Report; February 22, 1687.



are Christians" as "being generally the youngest and lustiest men"; and, if he could only recover them from Canada, and if the Five Nations continued to be friends of the English, then, said Dongan cheerfully of the French: "We need not fear them."<sup>8</sup>

The distressed beaver traders of Albany, submitting a formal petition to Governor Dongan, exhibited the state of the question in precisely the same way as his Excellency, with just one slight difference. The French, they said, under pretence of propagating Christianity, "have much encroached upon the Indian trade, and have likewise drawn away many of our Indians to themselves"; the remedy whereof is to be, that Dongan take care to have "those

A New York  
variation of  
the missionary  
question.

French priests that are in the Indian castles" removed, and "their places supplied with English." The Albany commissioners did not say English priests, as Dongan had expressed himself, but simply "English capable to instruct and continue them [*the Indians*] in the knowledge of the Christian religion."<sup>9</sup> They were all on the war path of destruction, to save the beavers—not without an intention to save the Christianity also, if that thing could swim, when all that bore it up was swamped. At the same time, the Catholic governor, acting less in disaccord with his religion and his nationality, busied himself with zeal and success in making British subjects out of the French Huguenots in New York.<sup>10</sup> It was a far easier undertaking to make British out of French, than Christians out of Indians, if once the missionaries were removed.

Dongan met deputies of the Five Nations at Albany, in August, 1687. He made a direct attack upon Father John de Lamberville, who had been stationed at Onondaga. Dongan had intercepted a letter from this Father to Bruyas, and he unblushingly admitted the fact.<sup>11</sup> He said to the pagan nations, that Lamberville had known of all the proposals which the English governor made to the Iroquois, and had written what he knew to Canada; "therefore I desire the

The English  
Jesuit idea  
and the  
Iroquois.

brethren not to receive him, or any French priests any more, haveing sent for English priests, whom you can be supplied with, all to content." He desired these pagans to take all measures for persuading "the Christian Indians att Cannada" to come back to their native country. Why the French

<sup>8</sup> Brodhead, iii. 896.

<sup>9</sup> *Ibid.*, 418, Albany commissaries, 1686, to Dongan.

<sup>10</sup> *Ibid.*, 899, 419, 426; 1687.

<sup>11</sup> Cf. *Ibid.*, 488, 489; November 4, 1686.—For the mutilated Latin here see Rochemonteix, *xviii*, iii. 220, note.—Of Thwaites, *lxxi*. 230.—Brodhead and Rochemonteix have Jacques de Lamberville here. But there is no signature to the letter.

were existing, or what they were doing on the American continent, he expounded with a flourish of rhetoric: "All that the French have in Canida they had it of the great king of England." He desired his pagan hearers to operate on the far-off Ottawas and other Indians, that from those nations too "all the French" should be put away.<sup>12</sup>

The Iroquois, who seemed to be in a great panic at the prospect of being "destroyed by the French without cause," answered these points. They were "resolved not to receive any more" either Father Lamberville nor any of the French. As to Dongan's offer of other missionaries, they said, "If any of the Five Nations are inclined for English Jesuits, they will come to acquaint your Excellency with it. Doe give three belts of wampum." That put an end to this airy idea of the governor. As to recovering the Catholic Iroquois from Canada, the braves were not sanguine about fetching the lost sheep; but they would try. They would take "one or more of their prisoners and send them into the castle [*Caughnawaga*] to tell the rest, that they may come freely; and to know why they fight against their brethren. Doe give a belt."<sup>13</sup>

Having despatched the answers to his Excellency's propositions, the Iroquois advanced a proposition of their own. Some of the Indians at "Kill van Coll" or thereabouts had told them <sup>A poisoning proposition.</sup> of a poison, with which they could "kill their enemies without fighting." Since the said Indians of Kill van Coll were living within Dongan's government, would his Excellency kindly obtain some of this home-made article for the Iroquois, and send it up to them, "that they may poyson the French"?<sup>14</sup>

On the same day, divers sachems of the Senecas proved ever so convincingly to the English governor that really the French had no reason at all for doing the good Senecas any harm. The plea of their innocence contained this passage, which glossed over the notorious massacres of Jesuit Fathers: "The French have also an old grudge of an accident that happened thirty yeares agoe; the Sinnakes and Onnondages had besieged a castle of there enemies in which a French preist was, who, in takeing the castle, was killed—which businesse the French always ripp up."<sup>15</sup>

§ 180. Here occurs an episode. Like other parts of the policy, for which the entire credit must be given to Governor Dongan, the

<sup>12</sup> Brodhead, iii. 439, 440; August 5, 1687, Albany.

<sup>13</sup> *Ibid.*, 443, 444; August 6, 1687.

<sup>14</sup> *Ibid.*, 444.

<sup>15</sup> *Ibid.*, 445.

novel element of poison, for which he was not responsible, had quite a sequel concerning the Jesuits. There is good reason to suspect that, from first to last, the poison in question was rum. From a long interview of Bellomont's commissioners, Schuyler, Livingston, and Hanse, held in 1700, with several of the Iroquois nations, it transpired that the French had taken up this figure of speech, and had said, as an Onondaga sachem, Decanissore, reported: "The Governor of New York would poison the Five Nations in rum." The commissioners observed to the sachems that it was precisely such among them as were most devoted to the English, that were dwindling away to nothing by poison. It looked as if the French had a hand in it.<sup>1</sup> Throughout the whole interview there was no mention of Jesuits in this connection. Livingston reported the matter to Lord Bellomont as "a diabolical practice which they [*the Indians*] have got of late in poysoning one another, by which means most of those that are true to the English interest are despatched out of the way."<sup>2</sup> That was natural enough; for those who were most true to the English interest had most to do with Albany rum.

Upon these premises a remarkable development took place immediately in Bellomont's impulsive brains, and in his studied despatches from New York. First, within three weeks he had made up his mind to father the art of poisoning on the French: "that hellish practice of poisoning our Indians, set on foot without doubt by the French." But that was not spicy enough. Within three months his lordship fathered the same art on the Jesuits. He wrote to the Lords of Trade: "I meet with an old story from the gentlemen at Albany, which I think worth the relating to your lordships." Then to an old wives' story he devoted a long paragraph worthy of the relater, if not quite worthy of their lordships, or a state paper, or these pages of ours. The heroine of the story was a sachem's wife, "one of the Praying Indians in Canada," said he; "(by praying Indians is meant such as are instructed by the Jesuits). This woman was taught to poison as well as to pray. The Jesuits had furnish'd her with so subtile a poison, and taught her a *leger de main* in using it, so that whoever she had a mind to poison" him she despatched from under the tip of her finger-nail—poison and victim together. "This woman," he continued, "was so true a disciple to the Jesuits, that she has

<sup>1</sup> Brodhead, iv. 660, 661; April 27, 1700.

<sup>2</sup> *Ibid.*, 649; (May, 1700).

poison'd a multitude of our Five Nations that were best affected to us." At Albany the canny woman who shot out poison from under her finger-nail had been brained by an Indian; the old gentlemen who were serving the poison out in kegs had not been. So they survived to tell Bellomont the story, which she could no longer gainsay. However, the woman's husband was the identical Onondaga sachem Decanissore, who had been quoted in the first instance as saying expressly, that rum was the poison with which the Governor of New York would destroy the Five Nations. Thus the article of poison, which had first been served up in a conference between the English pagan Iroquois and the New York governor Dongan, made an almost complete circuit. It was served by an English governor, Bellomont, upon the French, the Jesuits, and the Christian Indians.<sup>3</sup> And it had taken him only three months to pass the thing round. But alas! it did not stop there! Exactly one month after telling the old wives' story to the lords, Bellomont himself betrayed his game to the Iroquois at Albany, completing the circuit entirely by bringing the poison back to himself. He said in his opening speech: "I have been told that the Jesuits have warned you not to come hither and enter into a conference with me, assuring you that I should meet you with a great armed force here to surprise and cut you off, and that, where that failed, I should give you poyson to drinck in rum."<sup>4</sup>

The poison coming back to the English.

The Lords of Trade proved that, after all, they were not unworthy of such communications. Six of them signed their names to a representation which they thought should be made to the French Court, on the subject of poisoning; as well as on the unfair practice of Christianizing the Five Nations, by withdrawing them to Canada. But they cautiously added that no Indian authority should be cited for the information.<sup>5</sup> They had a good reason. There was no other

<sup>3</sup> Brodhead, iv. 644, 689, Bellomont, May 25, July 26, 1700, to Bd. Tr.

<sup>4</sup> *Ibid.*, 727; August 26, 1700.

<sup>5</sup> *Ibid.*, 709, Board of Trade, October, 1700, to Secretary Vernon.—The names of these persons, called "Lords of Trade," may deserve to be immortalized, the last being that of a poet, whose business at the time was to immortalize William of Orange in odes: "Stamford, William Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior." People philosophical, literary, historical, or poetical, may feel complimented at seeing Prior, John Locke, Joseph Addison, and Edward Gibbon among my lords of trade at different stages of history. But, while common sense may desiderate the adjustment of means to ends, instead of parasites to sinecures, the last-mentioned, Gibbon, has left in his *Memoirs* a candid and full confession that the work entailed "was not intolerably severe" (i. 225). It was just more than tolerably profitable.

authority than Bellomont, who had the merit of being a governor, and the privileges.<sup>6</sup>

§ 181. As Dongan's policy outlived its author, we may look at it in its last flourishing stage, before he was cashiered. He had received from the Privy Council a formal notice that a Treaty of Neutrality in America (November 16, 1686) was now in force between France and England, ensuring immunity from vexation for the subjects of the two Crowns respectively.<sup>1</sup> Then a commission was appointed by the two kings, for the settlement of disputes and differences, in accordance with the Treaty; and all hostilities should cease.<sup>2</sup> The commissioners were about to conclude with a final decision, when the English king thought fit to alter a preliminary by taking over the Five Nations as his subjects. He sent a warrant to Dongan: "Wee do therefore hereby charge and require you, to give notice at the same time to the said Governor of Canada, that upon mature consideration we have thought fitt to own the Five Nations or cantons of Indians"; and Dongan was authorized to use armed force in the maintenance of this ownership.<sup>3</sup> Thus, when a month later, the commissioners drew up their instrument, that no act of hostility was to be committed by the subjects of either king against those of the other,<sup>4</sup> a new *status quo* had been created by the quiet assumption of one king. This assumption, however, the French commissioners had already discarded, by records of treaties between French and Iroquois, during eighty-five years past; while the English commissioners had been contending that the Five Nations were always English subjects "from the first settlements in these parts," and had made a "voluntary submission" by entering into the defensive alliance with Dongan and Effingham (July 30, 1684).<sup>5</sup>

Dongan made one more appeal to London for missionaries; and this occasion furnishes us with the solitary indication which we find that any notice was taken of his demands. The passage was scored in London, and one word written in the margin: "Mission?" He

\* Cf. Rochemonteix, *xviii*, iii. 220, note, on the poisoning business; where it appears that the Jesuits were vexed at being treated to the grist which went into, and the stuff which came out of, Bellomont's mill.

<sup>1</sup> Brodhead, iii. 388; December 26, 1686.

<sup>2</sup> *Ibid.*, 504, 505; December 11, 1687. Cf. *supra*, p. 360.

<sup>3</sup> *Ibid.*, 508, 504; November 10, 1687.

<sup>4</sup> *Ibid.*, 505; December 11, 1687.

<sup>5</sup> *Ibid.*, 506-510, the commission, London, November, December, 1687.—Cf. *supra*, p. 365.

added: "The French priest [*Vaillant*] desired of me leave for there missionaries to goe and live amongst them [*the Iroquois*] again; by which I fynde they make religion a stalking horse to there pretence."<sup>6</sup> Before this letter arrived, Sir Edmond Andros was appointed governor of all New England, New York, and New Jersey, and "of all the continent in America," from the latitude of Philadelphia at the fortieth degree to the River Ste. Croix north-east of Kennebec; and, in longitude on the face of the globe, from the Atlantic to the Pacific: "from the Atlantick or Western Sea or Ocean on the east part, to the South Sea on the west part," Pennsylvania and Delaware excluded. The Iroquois, who were taken in with everything and everybody else, were described as nations, who "from all times have submitted themselves to our government."<sup>7</sup> Dongan being dismissed out of condescension to the French king, Andros was instructed to live in harmony with the French. But, in spite of the English assumptions, the claims of the Most Christian king remained just the same as before.<sup>8</sup>

Thus we have seen in a classic specimen the evolution of an idea. New York and its dependencies had been accurately described in the first commission from the Duke of York to Andros (1674). The nearest approach to the Iroquois territory had been the Hudson River, beyond which lay the country of the Five Nations.<sup>9</sup> A thought of Andros, tinged with a gleam of hope by Dongan, that New York might reach Lake Ontario far beyond the Hudson River, elicited first an approval in London; then it suggested a bright project of inserting the thought as a fact into some future patent. After that, it was "thought fitt to own the Five Nations or cantons of Indians," and a warrant was issued for the owning of them. Finally, the commission for Andros, governor a second time, purported that the continent was owned as far as the Pacific. All this ideal evolution on paper, becoming the solid basis of future right, was accomplished within fourteen years. Governor Fletcher, appointee of King William III., naturally went a little farther. He ate the grass to the roots; or, to use a native figure of many years later, the Indians should not be able to hunt a bear into a hole in a tree, but some Englishman would claim the tree as his,

<sup>6</sup> P. R. O., *Col. Papers*, 61, Dongan, February 19, 1688, to Sunderland. Cf. Brodhead, iii. 511.

<sup>7</sup> Brodhead, iii. 536, 537, 548, Commission and Instructions for Andros, appointed April 7, 1688.

<sup>8</sup> *Ibid.*, 549; ix. 371-373, Instructions, etc., from Paris for Denonville, March 8, 1688.

<sup>9</sup> *Ibid.*, iii. 215; July 1, 1674.

Scoring of  
the English  
Jesuit sugges-  
tion.

The political  
idea evolved  
to maturity.

and therefore the bear too.<sup>10</sup> Not even bear's grease should be left to them for the necessities of their toilet at an Indian council. Fletcher, receiving his fees,<sup>11</sup> gave away by patent what was practically the whole province of New York, as now understood by the English ; and the grantees were "about thirty persons in effect," as the surveyor's map showed. Lord Bellomont was very angry ; and he noted that "Mr. Dellius, the minister at Albany, besides his share of the Mohacks land, has by another grant which your lordships will see by the mapp, at least seaven hundred thousand acres of land," seventy miles in length and twelve in breadth, on the east of Hudson River. But Bellomont need not have been so angry. These estates had not been assigned to religion, education or charity, or, as the phrase ran, in mortmain. They were intended for the private comfort of individuals—"our mighty landgraves," as Bellomont caustically styled them. The deeds were absolute in form ; albeit Dellius pleaded that he took his principality only in trust, to save the lands for the Indians.<sup>12</sup>

The home authorities thought fit to vacate the patents ; but not for the sake of the Indians. Nobody asked for that ; and Bellomont did not suggest it. They were vacated for the benefit of a more numerous swarm than thirty English or Dutch landgraves. The lords remarked significantly : "as was done upon the planting and settling your Majesty's kingdom of Ireland."<sup>13</sup>

In the course of Governor Dongan's policy for the substitution of English Jesuits instead of French, we find no trace of the Fathers in New York or in England having had anything to do with such a question. Not to speak of impropriety, it would have been in the highest degree incorrect, that one part of the Society should think of interfering with the operations of another part. That Dongan did not reckon on the co-operation of the New York or Maryland Fathers seems plain. Although they were on the ground, he never alluded to them in his despatches. Still, Father Harvey and his companions had something to do with Indians of the Five Nations, probably when the beavers were brought to Albany or New York. The annual letter for 1696 says that they had more to do with Indians than the Fathers in Maryland had : "Greater was the intercourse with them in New York, with their Five Nations who sold the skins of bears, beavers, and other animals of various kinds."<sup>14</sup>

The uncom-  
plaisant  
English  
Jesuits.

<sup>10</sup> P. R. O., 71, T. Pownall, memoir, 1755.

<sup>11</sup> Brodhead, iv. 392.

<sup>12</sup> *Ibid.*, iv. 363, 391 ; list of grants, 397, 398 ; 791.

<sup>13</sup> *Ibid.*, 25, 26, 48 ; 1707, 1708.

<sup>14</sup> Documents, I. No. 8, O<sup>2</sup>, p. 140.

## CHAPTER XV

### THE LAST IROQUOIS MISSION. THE SEQUEL.

§ 182. New York comity towards Indians: 1683-1688. § 183. Incivility in other colonies. § 184. Father Milet, solitary prisoner of the Iroquois: 1689-1694. § 185. Richard Coote, Earl of Bellomont. § 186. Bellomont and kidnapping Jesuits: 1699, 1700. § 187. Civilization and savagery face to face. § 188. New York Indian policy: 1700. § 189. Superstitions about Jesuit missionaries. § 190. Third Iroquois mission: 1702-1709. Status later. § 191. Policy of scalping the Indians: 1747-1757. § 192. Jesuits and Indians in Canada: 1764-1767. § 193. The Catholic Indians: 1779-1907. § 194. Indianizing of whites. § 195. Attractions of Canada for the British. § 196. Explanations of observers.

**Manuscript Sources:** Archives S.J., (Fleck), on S.J. in Canada (printed).—(London), British Museum MSS., 26,052.—Fulham Palace Archives, American papers.—Lambeth Palace MSS., 1123.—Public Record Office, *America and West Indies*; *Board of Trade*; *Entry-Books*.

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AFTER the close of the second mission among the Iroquois in 1686, some work of evangelization continued in the cantons, owing to the presence of Father Milet. He was a captive; he had been condemned to death; but, after undergoing tortures, he was saved from the worst by adoption into the family of a kindly Indian.



Though political vicissitudes separated the Five Nations from the French and from their own compatriots in Christian Canada, the Jesuits were called back by sachems to found a third mission in 1702. This again was obstructed by war, and came to an end in 1709. After that, there was no longer any footing for a regular establishment on the English side of the border. But the missionary influence continued operating throughout the eighteenth century; and Iroquois drifted to the settlements in Canada.

During the first years of the century, Lord Bellomont had pursued the tactics of pressing and squeezing the Jesuits out of the New York cantons. Restless as he was in this respect, not less busy, during the following decades, was the British mind in endeavouring to explain the secret of Jesuit ascendancy over the nations. Colonial governments lavished presents on Indians; and yet scarcely purchased an interested amity. In the course of time it was thought advisable to substitute for the expensiveness of such amity with dubious friends another system, more expensive, but also more peremptory, that of offering to all and sundry a prodigal tariff of premiums for the scalps of Indians, near, far or anywhere.

If the work of the Jesuits, resulting in the secession of Iroquois to their Christian brethren, vexed minds with the problem of missionary ascendancy, not more intelligible was the defection of whites themselves to the Indians and to Canada. Colonial conveniences and the ties of family proved to be feebler attractions for British subjects than Canada, Catholicity, and even adoption into Catholic Indian tribes.

§ 182. Colonel Thomas Dongan, who succeeded later to the earldom of Limerick, obtained for his administration as governor of New York a place in history somewhat ambiguous—so many people said such different and contradictory things about him.<sup>1</sup> The royal collector Randolph wrote to the Lords of Trade, soon after the colonel's dismissal, that Dongan had been executing the orders received from England to support the Five Nations against the French; but, "upon the insinuation of a French Jesuite," he lost one fine opportunity of destroying the French power. Randolph added about the Iroquois, that the "Jesuites strangely allure them with their beades, crucifixes, and

*Estimates formed of the Catholic governor, Dongan.*

<sup>1</sup> M. de Meneval, Governor of Acadia, caught the idea that Dongan's dismissal under James II. was a result of the subsequent Orange Revolution, because he was faithful to King James, was an Irishman, nephew of the Earl of Tyroconnel, and a Roman Catholic (Blanchet, ii. 48, memoir, April 6, 1691, to Pontchartrain).

little painted images, gaining many new converts.”<sup>2</sup> Milbourn, belonging to the revolutionary party which just then had Randolph in the common gaol at Boston, spread the report that “the late King James had sold this country to the French, and because Governor Dongan would not be such an ill person as to deliver it he was removed, and Andros put in his place.”<sup>3</sup> Governor Burnet, in the next generation, recounted that “the Five Nations always were at war with the French till King James’s time; but then the Jesuits got the assistance of King James’s governour to obtain peace between these Indians and the French; and, since that time, they have been wavering and divided between the French and us.” Burnet added equally valuable contributions to history about the policy of the Jesuits, who, in this folklore of the English, seem to have been the French power itself. Nay, Burnet added, “these Fathers are the chief proprietors, as I am informed, of the soil of Canada.”<sup>4</sup> In the next generation after Burnet, the story of Dongan, King James, and the Jesuits, after having carried the governor and the king like puppets from one side to the other, English and French alternately, ended with the historian of New York, W. Smith, who left Dongan on the English side, and King James with the Jesuits on the French. Smith said: It must be remembered to Dongan’s honour, “that though he was ordered by the Duke to encourage the French priests who were come to reside among the natives under pretence of advancing the Popish cause, but in reality to gain them over to the French interest, yet he forbid the Five Nations to entertain them. The Jesuits, however, had no small success.” Smith proceeded to mention the Praying Indians of Canada.<sup>5</sup> Indeed, not even the Protestant governor Andros escaped the witchery of this folklore. A few years after Smith, the Rev. Jonathan Mayhew mentioned incidentally “the reign of the unhappy infatuated Roman Catholic King James II., and the administration of the Roman Catholic governor, Sir Edmond Andros.”<sup>6</sup>

But a real merit of Dongan’s has not been observed. In all the dealings of New York with the Indians, whether near or far, there was a dignity and equity, which kept both the letter and the spirit of proprietary and royal Instructions. King James II. prescribed, not only that the best means should be taken “to facilitate and

<sup>2</sup> Brodhead, iii. 579, 580, Randolph, May 29, 1689, to Bd. Tr.

<sup>3</sup> *Ibid.*, 621.

<sup>4</sup> *Ibid.*, v. 708, 704, Burnet, December 16, 1723, to Delafaye.

<sup>5</sup> Smith (1756), p. 45.—Cf. *supra*, p. 291.

<sup>6</sup> Mayhew, *Observations*, p. 52, note.

encourage the conversion of negroes and Indians to the Christian religion"; but that a law should be passed, "wherein provision is

The merit of equity towards Indians.	to be made that the wilful killing of Indians and negroes may be punished with death, and that a fit penalty be imposed for the maiming of them." <sup>7</sup>
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It is true that the highly organized and well-armed forces of two thousand Iroquois warriors imposed respect; they could have swept the New York province clear of its white population, which was less than 30,000 men, women, and children.<sup>8</sup> Their native ability likewise, and the prevalence of Christian ideas even amongst the pagan forces, made them a match civilly and diplomatically for any New York government or governors. The Christian effects of more than twenty years' missionary work among them were palpable; as when they said, speaking of the Canadian governor in their conference with Dongan: "We fear him not, though he is a great deal more powerful than we; but, he having an unjust cause, the great God which lives in heaven, which the French priest told us was a just and righteous God, He knows our innocence, and will punish and judge of his ill actions." From this fact of the Jesuits having made an impression ever deepening on the paganism of the Five Nations, Robert Livingston, secretary for the Indian Affairs in the Province of New York, drew an urgent argument some fifteen years later, for the Lords of Trade to send ministers, who should take over the Indian mind where the Jesuits had left it: "The nations of the Sinnekes and Onondages," he wrote, "have received such impressions of the Christian religion that, if ministers were placed amongst them to convert them to the Christian faith, it would be of great advantage to her Majestys plantations," etc.<sup>9</sup> As to diplomatic ability, one of them showed Dongan, on the occasion just mentioned, how in an encounter he had worsted even the Jesuit, Father Vaillant.<sup>10</sup>

Due account being taken of all these circumstances which made

<sup>7</sup> Brodhead, iii. 374, § 60; May 29, 1686.—This article of Dongan's Instructions was rehearsed in those of later times.

<sup>8</sup> Cf. *Ibid.*, iv. 888, "at least 5000 families" in 1698.

<sup>9</sup> *Ibid.*, iv. 1067, memorial to Bd. Tr. (1708).

<sup>10</sup> *Ibid.*, iii. 534, 535; February 13, 1688. At this moment there were two conferences going on in Albany: one, that of Governor Dongan with the two French agents, Father Vaillant and M. Dumont; the other that of Dongan with the Iroquois. One of the latter, an Onondaga chief, was met in the street by Madame Toulon, who invited him to come and eat bread. He went, but found Father Vaillant lying in wait for him. The Jesuit desired a conversation. "Doe you speak first," said the sachem. Vaillant inquired, "How was it with the Five Nations, and how they were inclined?" The sachem replied: "Do you ask me? You have daily interviews with his Excellency. I should rather ask you how affares goe . . . or doe you intend to pump me?"

the Iroquois respectable, nevertheless it is worthy of note that, in the proceedings of Dongan, there was no suggestion of sanguinary violence outside of regular operations in war. At this same period, other colonies which had anything to do with Indians, presented scenes which were totally different, Maryland being one bright exception.

§ 183. What happened eastward is well enough expressed in a conventional phrase, that "the existence of the Indian tribes, within the boundaries of the New England settlements, was the source of ceaseless anxiety and alarm."<sup>1</sup> This phrase is a conventional substitute for another statement, which would be more precise: that the existence of the English tribe, within the boundaries of the Indian settlements, was the source of ceaseless anxiety and alarm to the aboriginal possessors of the soil.

Within twenty years after the Puritan Fathers had settled themselves in the land of the Indian, they unsettled the Indian whom they found within their borders; and, not out of keeping with this unchristian policy, John Endicott defaced the New England treatment of Indians. Christian Cross in the military ensign, while John Eliot

"the Apostle" was similarly engaged with the Popish Cross in the minds of such Indians as came near. In a war with the Pequot natives (1637), Massachusetts and Connecticut divided the captives. Male children were sent to the Bermudas; women and girls were disposed of in the towns.<sup>2</sup> About seven hundred aborigines had been slain or taken. Then Articles of Confederation uniting the New England colonies stipulated that the spoils of war, "(if it please God to bless their endeavours), whether it be in lands, goods, or persons, shall be proportionately divided among the said confederates" (May 19, 1643). Three years later (September 5, 1646), the Confederation authorized the raiding of Indian villages which harboured Indian fugitives; the inhabitants were carried off, the women and children spared as much as possible; but, instead of keeping the native owners of the soil in prison at the colonies' charge, or setting them free again, "the magistrates of the jurisdiction were to deliver up the Indians seized to the party or parties endamaged, either to serve, or to be shipped out and exchanged for negroes, as the cause will justly bear." The justness of the cause for this Indian slave trade lay in the fact that the natives were worse as workmen than many a negro, and better as men than many a white.

<sup>1</sup> Winsor, iii. 315: "New England," by C. Deane.

<sup>2</sup> Cf. *supra*, p. 271, *ad note* 17; Field and Steiner on this Indian slave business.

All this was within sixteen years after Boston had been born for the illumination of the gentiles. It was one year before the "Apostle"

Literature and the Bible co-operating. Eliot's labours were recounted in print, under the title, "The Day breaking, if not the Sun rising, of the Gospel with the Indians in New England." Years passed; and if not to illumine the Indians, at least to enlighten the saints, there broke forth from the darkness of heathendom various missionary lucubrations: "The Clear Sunshine of the Gospel breaking forth upon the Indians"; again, "The Glorious Progress of the Gospel" which glorified Eliot and Mayhew; then, "The Light appearing more and more towards the Perfect Day," and "Strength out of Weakness." Other apostolic writings began to be published by the new Corporation for Propagating the Gospel among the Indian tribes of New England (1649). But, if these literary labours were meant for the saints, one genuine work, to which we have referred already, was meant for the Indians.<sup>3</sup> "The Apostle," as John Eliot is denominated in some literature contemporary with ourselves, borrowed from Popery a Bible, and translated it into the Indian tongue (1661-1663). He could not indeed vouch for its being the Word of God; for neither he nor Puritanism had seen the light when the Word of God had been put on record. The voucher was left behind in the Popish Church. Still the Indians must have been comforted at the sight of Cambridge press work.<sup>4</sup>

The provoking evils of King Philip's war. King Philip's war then broke out (1675, 1676). Whatever were the causes among the half-score assigned, they were certainly just on the side of the English. So wrote W. Harris to Secretary Sir Joseph Williamson. But the Massachusetts authorities themselves did not seem to think so; for they declared a number of "great and provoking evils, for which God hath given the barbarous heathen commission to rise against them." They were referring to the infractions of the Decalogue. However, it appeared that the war was sealed by God, for He "blessed their endeavours." The disposal of Indian captives was the same as before. The Connecticut forces killed all save boys and girls. Seven thousand Indians were despatched by English lead, starvation, or sickness. A body of fugitives from some half-dozen of the tribes settled with the Schakkooks on the Hudson, and appeared later as the Catholic Schakkooks, survivors of King Philip's war. One of the fugitive tribes, the Pennacooks, was named as being at

<sup>3</sup> *Supra*, pp. 295, 296.

<sup>4</sup> Winsor, iii. 355, 356.

St. Francis in Canada, whither English Schakkooks came to join them.<sup>5</sup>

If antecedent reasons for the war with King Philip had been "the great and provoking evils" among the saints, some consequent evils were not less great and provoking. A thousand or fifteen hundred English had been lost in the cause; and now it made "all manner of labour dear" that three thousand Indians, men, women, and children, had been slaughtered, instead of being kept to serve as slaves.<sup>6</sup> But when, at a later date, South Carolina shipped off as a present of prisoners or slaves its Tuscarora Indians (1715), the New Englanders did not like it, and rejected the gift.<sup>7</sup>

In Virginia, if not the government under Sir W. Berkeley, at least Nathaniel Bacon's party which was in rebellion against the government, protested as vigorously as New England against the existence of any native tribes whatever. Bacon, in a manifesto calling on God Almighty to judge, proclaimed a manifest aversion for all Indians, not only foreign, but the protected and darling ones; declared that the Appomattox and their queen were enemies to the king and country, robbers and thieves, and invaders of his Majesty's rights; that Bacon's insurgent party loyally designed to ruin and extirpate, not only all Indians in general, but all manner of trade with them; that all Indians, far or near, were out of the protection of law, since they were not under the law.<sup>8</sup>

A Virginia party and the Indians.

Maryland was for some time a gratifying exception in the tragic and monotonous history of oppression. Friendly adjustments were made with northern and southern natives; and Virginia was expressly included. For this latter point, the Lords of Trade commended Charles Lord Baltimore; and observed that such reciprocal interest had not been shown by the Governor of Virginia in a recent peace concluded with Indian kings and queens.<sup>9</sup> But the Maryland of the first two Lord Baltimores failed to impose its gentleness of policy on the Maryland of the

Maryland's early moderation.

<sup>5</sup> Smithsonian, bulletin 80, ii. 486.—See *supra*, frontispiece, "Albany": "Socch-ticoke."

<sup>6</sup> Winsor, iii. 355, 356, on Elliot, etc.—P. R. O., *Cal.*, iv. § 1021, Harris, August 12, 1676, to (Williamson).—Perry, *Mass.*, pp. 18-16, Randolph, October 12, 1676, to Committee of Trade. Cf. *supra*, p. 144. One of Randolph's possible causes for King Philip's war against the saints is put on the shoulders of other sinners: "Some believe that there hath been vagrant and Jesuistical priests, who have made it their business and designe for some years past" to rouse the Indians.

<sup>7</sup> *J. Hopkins Univ. Studies*, 11th series, ix., x., B. O. Steiner, "History of Slavery in Conn.," pp. 9-14.

<sup>8</sup> P. R. O., *Cal.*, iv. § 1081; 1676.

<sup>9</sup> *Ibid.*, *Cal.*, v. §§ 202, 272, 522; 1677.—Of Brodhead, iii. 821-828, conference of Maryland agents with the Five Nations at Albany, August 8, 4, 1682.

future, which entered with other colonies into the campaign of scalping, and at Fort Frederick offered £50 to any Indian for the scalp of any other Indian—his own scalp eventually fetching the same price.<sup>10</sup>

Seen under such lowering shadows of the future, and amid the actualities of Virginia or New England, the face of affairs in New York, at the time of which we are speaking, was still suffused with a humanity and civility, for which James II. and Governor Dongan deserved commendation.

§ 184. In the enforced absence of the Jesuit missionaries from the Iroquois cantons, one man, whose presence was equally forced, became a most important figure in negotiations between the Five Nations and their English allies. That was Father Milet. The circumstances in which the Jesuit came to land in the Oneida canton on this occasion were partly like what might have been expected of a minister; partly unlike. Lord Bellomont said emphatically to the representatives of New York, he repeated it constantly to the Lords of Trade, and he inculcated it on the Indians: "No minister or ministers will venture out of a fort and English garrison, to the apparent and certain hazard of their lives."<sup>1</sup> In this respect, it happened that Father Milet was inside of Fort Frontenac, when the terrible Iroquois crossing Lake Ontario assaulted the place. But in what followed he was very unlike the ministers. He received the information that an Indian squaw outside was sick, and needed his services. He went out straight. That was just what the braves wanted. They had him. He was a choice bit for the knife and the stake.<sup>2</sup> He underwent the tortures; but at the last moment an Oneida and his squaw adopted the captive. Presumably Tariha, "master of the Jesuite Milet at Oneyde," or, as Milet called him, "my brother and hospes," was this kindly adoptive father.

Milet was now an Iroquois; and there began the English woes. During five or seven years till 1694,<sup>3</sup> the phantasm of "the old priest Milet" among the cantons disturbed the nightly slumbers and waking thoughts of the New York government. And the worst

<sup>10</sup> Cf. *infra*, p. 410.

<sup>1</sup> Cf. *infra*, p. 390.

<sup>2</sup> Brodhead, iii. 714.—Rochemonteix, *xviii*, iii. 201, 620.

<sup>3</sup> Brodhead, iii. 788; iv. 49, Milet, Oneyde, July 31, 1693, to Dellius.—The duration of Milet's captivity is stated variously as five or seven years.—Cf. Rochemonteix, *xviii*, iii. 201, note 1; 620.

feature was that neither Governor Fletcher, by a formal despatch to the sachems of the Five Nations, nor his envoys, Major Dirck Wessels and Robert Sanders, were able by the exercise of any authority or persuasions, or by the eloquence of their "interpretesse,"<sup>4</sup> to obtain from the nations the delivery of this obnoxious personage. Said Fletcher to the Lords of Trade: "A French Jesuit (Milett), who has been many years a prisoner among the Oneyds, hath got such interest with that nation and the other three, they cannot be prevailed upon to surrender him, tho' I have proffer'd a sum of money and an Indian boy in exchange, and promised not to hurt his person."

Milet an  
Iroquois  
sachem.

At this moment the report of Major Schuyler was agitating his Excellency. Jurian the Mohawk, wrote Schuyler from Albany, "tells me, the Jesuit hath as great authority in Oneyde as any sachim of them all, and rules the roast there; soe that little good can be expected so long as they are guided by our enemy." It took repeated and peremptory vetoes of Fletcher's envoy Wessels to prevent the four nations from bringing the "Jesuite Milett" to the conference held with him; they "were all for sending for him."<sup>5</sup> To this meeting at Onondaga (1693) the Mohawk nation would not come. At Albany (1694), the great Decanissore spoke for the whole Five Nations, and explained that the Jesuit Milet, "being in the room of a principal sachem of Oneyde became sachim in his stead; and therefor has a vote with the rest of the sachims of Oneyde." They seemed determined to have him and keep him. Major Schuyler, answering in the name of his Excellency, delivered a grave admonition about their dealings: "If you had imployed your time to perswade your children of Oneyde, as you call them, to deliver up the Preist Millet according to your promise, who is a pest in your country and puts you upon all these irregularytyes, you would have done much better." The New York government had papers written by Milet. One, a letter addressed to Domine Dellius of Albany, brought with it six Spanish pistoles in gold,<sup>6</sup> with the request that Mrs. Dellius

The Jesuit  
sachem's  
doings and  
writings.

<sup>4</sup> Brodhead, iv. 62.

<sup>5</sup> Reference was frequently made in the conference (August, 1693) to the "Preists Master," Canossadero, sachem of Oneida. The exchange of Milet by the Oneidas, "for an Indian boy according to promise," was one of the two objects for which Major Dirck Wessels was despatched on this occasion by Governor Fletcher to Onondaga (Brodhead, iv. 59). At the meeting in the city hall of Albany, February, 1694, Milet, having been "sent for to Onandage," attended, and negotiated as an orator. The return of Father John de Lamberville from France was discussed. (*Ibid.*, 87.)

<sup>6</sup> A pistole was equal to about 16 shillings sterling.



would please "buy some shirts, great and small, and some stockings, as cheap as possible"; for the missionary had "the poor, the orphans, and the other unhappy wretches of this mission" on his hands. He said nothing about himself, poor man! It was mid-winter, January 31, 1694. Mrs. Dellius bought for the money "26 shirts, and 26 pair of stockings." Though this looks like a small return for nearly £5 sterling, still we may be confident that the good housewife drove a better bargain than Indians usually did at Albany.<sup>7</sup>

At length, the English were delivered of this thorn in their side, when in 1694 the Iroquois deputies conducted Milet to Quebec, and set him at liberty. The Father was then fifty-nine years old. That during the period, when he was between fifty-four and fifty-nine years of age, he should have been known to the English as "the old priest," would indicate the ravages which such a life wrought in a man's constitution and aspect. Nevertheless, he desired to resume his labours among the Oneidas. In 1700, the sachems of Onondaga said to Bellomont's envoys, Schuyler, Livingston and Hanse: "The Jesuits of Canada do likewise threaten hard to come and live in our castles—in each castle a Jesuit: Father Millett at Oneyde, Father Bruyas, that was with my Lord [*Bellomont*] last summer, at Onondaga, and others among the Cayouges and Sinnekes; which causes us continual disturbance."<sup>8</sup> The movements of the Jesuits, however, were thus called a "continual disturbance," only out of a delicate consideration for the fretfulness of Bellomont and his envoys. These pleasant Iroquois were at the same moment calling the Jesuits back into the country, and actually fetching them from Canada. Less than a year and a half earlier, an Onondaga orator at Montreal, delivering a message of five belts to Frontenac, turned to the Jesuits present, saying: "We also adopt the resolution to embrace the faith, according to the instructions we have received from you, whilst residing in our villages."<sup>9</sup>

<sup>7</sup> Brodhead, iv. *ad init.*, *passim*, 47, 51, 55, 60-62, 87, 94, 96; 1693, 1694.—The sachem Milet, having been summoned by express to attend the (preliminary?) meeting of the Five Nations at Onondaga, was desired to put in writing for the Governor of Canada what the belts of wampum said. This offers us an occasion for understanding, how Indian belts of wampum spoke to the eye. In his letter, he described each: "The Ist, in which there are five black squares on a white ground. . . . The IId, which is a large belt, and almost entirely black. . . . The IIId belt, which is the largest of all. . . ." (*Ibid.*, 79, 80.)

<sup>8</sup> *Ibid.*, iv. 659; April 26, 1700. Cf. *Ibid.*, ix. 665, note.—Rochemonteix, *op. cit.*, iii. 168, note.

<sup>9</sup> Brodhead, ix. 679, narrative, 1697, 1698.

§ 185. The power of the Iroquois never recovered from the blows received in the war with the French under Frontenac. At the same time, the anti-Jesuit policy of the English, as far as it had prevailed for a while with the Five Nations themselves, never recovered from the blows which the Iroquois now dealt it, in their negotiations with Richard Coote, Lord Bellomont, Governor of New York and New England.

It may be true, what the complaisant Onondaga sachems told Bellomont's envoys about Father Bruyas; that the priest had said the summer before in Canada: Lord Bellomont "is but <sup>Bellomont's</sup> a child in understanding, and knows nothing. He is <sup>qualifications.</sup> but lately come into the country; and I have been long among you."<sup>1</sup> The noble lord had been a member of Parliament; and the character of his style in despatches was not unworthy of such antecedents. But the figures which dance about under his nervous pen, his restless ingenuity in devising traps for the Jesuits, and his conception of constitutional legality, call for some qualification.<sup>2</sup> One attenuating circumstance might be suggested by the fact that he had been living as a parasite upon "an Irish forfeited estate," presumably a Papist's, whence he drew £1000 a year.<sup>3</sup> An extension of this operation brought him to New York, whence the king empowered him to draw £400 a year, besides fees; only that he found his fees for grants of land already cut out by his predecessor Fletcher, who had given the whole province away, Indian lands included. Another palliating circumstance for explaining the irritation in his humour and style may be discerned in his conception of Jesuits' superiority. He wrote repeatedly that he could find no match for them in all the Protestantism of which he knew anything.

With these and other such premises, belonging to the idiosyncrasies of a noble Orange lord, his style, on the subject of Jesuits, ran through a maze of figures: "Vermin," "the greatest <sup>His remark-</sup> lyars and imposters in the world," "poisoners" in the <sup>able style.</sup> literal sense of the epithet. They were "a reproach to Christianity";

<sup>1</sup> Brodhead, iv. 659; April 26, 1700.

<sup>2</sup> Whether he was figurative or not when describing some New York professional people we cannot say; but he was true to his character: "There is not such a parcell of vile knaves and Jacobites as those that practice the law in New York . . . one of 'em was a dancing master; another, a glover by trade; a third (and he Coll. Fletcher's bosome friend and land-jobber), condemned to be hanged in Scotland for blasphemy and burning the Bible, the rest as bad as those I have describ'd—all ignorant, and usurpers of that honourable profession," etc. (P. R. O., N.E., 10, f. 17; from New Hampshire, September 8, 1699.)

<sup>3</sup> *Ibid.*, 725, Bellomont, October 17, 1700, to Bd. Tr. He complains of having lost the rent-charge.

their "lyes," and "fraud" made his heart dilate with the conscious rectitude of being himself a Protestant. "When you are acquainted with our religion," said he to the Five Nations in conference at Albany, "that is, the Protestant religion, you will find it is grounded on principles of truth and righteousness, and not on lying artifices, which the Jesuits teach and practise." In short, he would give the Iroquois one hundred pieces of eight (\$113) for every Jesuit head that they would betray to him, "pay'd you down in ready money, as a reward," said he.<sup>4</sup>

A set-off to this aristocratic style was furnished by the Jesuits themselves. Bellomont's commissioners told the Onondagas, that when Father Bruyas returned to Albany, after conferring at New York with the governor, he "spoke so much to my Lord Bellomont's praise, and applauded him so much for his wisdom, prudence, ingenuity, generosity and kindness, that tongue could not sufficiently express it. But this is like them"! And, when the orator of the Five Nations rehearsed for Lord Bellomont at Albany Bruyas' speech to them of the previous summer, twice did he report the Father as speaking of the New York governor with deference and respect.<sup>5</sup>

It will be enough now to sketch the final defeat of English anti-Jesuit policy, as practised on the natives. Henceforth, the Five Nations either admitted Jesuits, or at least did not molest them. Though many of the Indians stayed in their own country, and settled deeper in the dregs of their old pagan vices compounded with new ones, they saw their ranks steadily depleted by the defection to Canada of those who preferred a better portion. The whole Mohawk nation was drained away. What became of the residue, morally and politically, more than one Englishman of the eighteenth century has left on record. The Schakkooks, too, or Hudson River Indians, who, being relics of King Philip's war in the east, had been driven out of New England, and were addressed by Bellomont as Catholics, could not stand the oppression of the English, and migrated to Canada.<sup>6</sup>

#### § 186. Bellomont's plan of campaign against the Jesuits was

<sup>4</sup> Brodhead, iv. 727, 786; Albany, 26, August 29, 1700.—In New York at the time, a piece of eight went for 6s. 9d. (*Ibid.*, 757.) The American sign for a dollar, \$, is said to be derived from the Spanish "8," with the conventional line added, as in £ and lb. for *libra*.

<sup>5</sup> *Ibid.*, iv. 659, 742; April 26, August 31, 1700.

<sup>6</sup> *Ibid.*, v. 869, 870, 969, 970; 1728, 1738. Their complaints to Governors Montgomery and Cosby were very sad.—*Of. Ibid.*, vi. 208, Clarke, Governor of N.Y., December 15, 1741, on the Quebec Schakkooks.

explained by him with much candour to his correspondents, the Lords of Trade. It had characteristics of its own, political, legal, moral and diplomatic, some of which the Lords of Trade may have understood.

As to the political aspect, there was no longer war between England and France, the Treaty of Ryswick having been published in London before Bellomont departed thence for his government.<sup>1</sup> His lordship had signified by letter to Frontenac, that perfect amity, and not enmity, was to be cultivated between the parties, "Christians and Indians," attached to the respective Crowns.<sup>2</sup> Subsequently, however, it became necessary for Iroquois to refresh his lordship's memory on this circumstance. Legally, he had not as yet his Massachusetts and New York anti-Jesuit laws (1700), on which to base his operations; and neither America nor England had any law to proceed on against subjects of the French king, as the Jesuit missionaries were. As to the moral aspect of his plan, he connected it strictly with Protestantism, when he came to lay it before the Indians. As to the diplomatic value of the project and of its propounder, the Iroquois sachems beat him all round the arena of diplomacy, till the noble lord whined at the end: At least let me know what you are doing!

Merits of  
Bellomont's  
plan.

Thus then, on February 28, 1699, Bellomont wrote to their lordships from Boston: "I would, if I met the Five Nations at Albany, try to put one stratagem in practice. I would by many or extraordinary presents engage, if it were possible, the sachems of the Mohack and Onondage Nations to deliver me up all the Jesuits they have among them; who[m] I would send prisoners to England; for, without doubt, they have been tampering to debauch our Indians from their subjection and obedience to the king; and, if the sachems would be prevailed on to deliver them up to me, it wou'd naturally follow that they wou'd also discover to me all their [*the Jesuits'*] ill practices to put the Indians out of love with his Majesties Government; and such a discovery, as might rationally be expected, wou'd very well justifie my sending those vermin to England, there to be punished as they deserve. If I could prevail to have the Jesuits given up to me, it would have one good effect above all others, that the Jesuits would never trust themselves again among those Nations; it would create an eternal, implacable hatred between our Indians and them."<sup>3</sup> So, in the following year, he proceeded to work out his

<sup>1</sup> Brodhead, ix. 690, Bellomont, N.Y., April 22, 1698, to Frontenac.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, iv. 609, 610.

"stratagem"; which was to end with law somehow in the English conclusion, without any legal element so far in the American premises.

His lordship devoted himself to the cause like a veritable martyr of civilization. He had almost the makings of a Jesuit missionary in him. Pathetically he described his heroism to the Lords of Trade: "I was eight days and as many nights coming down Hudson's River in a nasty little [*English*] sloop; which made my journey extreamly tiresome." And again, he told of his conference with the Indians, that it "lasted seven or eight days and was the greatest fatigue I ever underwent in my whole life. I was shut up in a close chamber with fifty sachems," who, besides the malodorous "bear's grease with which they plentifully dawb'd themselves, were continually either smocking tobacco, or drinking drams of rum."<sup>4</sup>

He began the conference with a sermon on Protestantism and anti-Jesuitism.<sup>5</sup> He was rewarded with some crumbs of comfort, amid the tobacco-smoking and bear's grease. The Indians conceded one principle on which he staked his sincerity and veracity. Clenching an argument for having a fort in the Iroquois country, "he must be so plain," said he, "as to tell them that he found it absolutely impossible to engage ministers to go and live there, unless there were a fort there to secure them from the French and their Indians; and that he was sure for all the bevers the Five Nations should take in a year, a minister would not be prevail'd with to goe and live in that open country to the hazard of his life."<sup>6</sup> His lordship had to take a conscientious stand against one demand of the natives, that they might have honest trade at Albany, and no cheating; "good penni-worths," they said, and not "the old trade again." My lord deprecated that as rather exacting: "You yourselves know that the trader must have some advantage by his goods, or he cannot live; but that advantage ought to be within reason."<sup>7</sup> One great consolation came to the lot of Bellomont in a private interview with "Protestant Maquase Indians"; they told him that they had actually succeeded in dissuading five of their Mohawk braves from moving to Canada.<sup>8</sup> But the case of the Jesuits was the tournament of the conference.

Conference  
with the  
Iroquois,  
August, 1700.

<sup>4</sup> Brodhead, iv. 717, 714, Bellomont, N.Y., October 17, 1700, to Bd. Tr.

<sup>5</sup> Cf. *supra*, p. 295.

<sup>6</sup> Brodhead, iv. 734; August 28, 1700.

<sup>7</sup> *Ibid.*, 788, 785.

<sup>8</sup> *Ibid.*, 780, 731.

The Jesuit peril had been kept by Bellomont hovering over the braves from the first. At last he came to the critical proposition, after a careful introduction on the "artifice and fraud" of the Jesuits, their wickedness, and their destructive propensities in the way of poisoning. He now said to the Iroquois: Capture them, as often as they come into your country; bring them to me; and, for every Popish priest or Jesuit, "you shall have one hundred peeces of eight [\$113] pay'd you down in ready money, as a reward. Wee have a law in this province for the seizing and securing all Popish priests and Jesuits, and I would very gladly put that law in execution against those disturbers of mankind."<sup>9</sup>

Attempt to  
buy off the  
Jesuit peril.

The next day, an answer was given in these terms; that his lordship did not know what he was talking about. He wanted peace and trade between the Iroquois and the far-off powerful nations; he wanted the Caughnawaga Iroquois to be recovered from Canada; and "at the same time," said the Indian orator significantly, you advise us "to bring the Jesuits, that come to our country, prisoners hither. These three heads do not well consist and agree together." The orator explained that, "before wee meddle with or disturb the Jesuits," a treaty of peace might be made with the far-off Indians; steps might be taken for recovering the Caughnawagas; but to touch the Jesuits would render these two measures impracticable. For, he said, if the far-off nations, to the number of sixteen, that are willing now to treat, "do hear that wee commit any rudeness to the French Jesuits, that will put a stop not only to the said treaty, but exasperate our [Caughnawaga] people that are in Canada, and obstruct their coming over to us."<sup>10</sup> Here was a *caveat* to estop my lord's proceedings.

Answer of the  
Iroquois on  
rudeness to  
Jesuits.

This cheek was followed by a series of reverses. The sachems begged to be excused from entertaining a certain question. Bellomont imprudently asked why. The orator replied: "Wee have often proposed something to you, and you have told us you would write to the king, our great master, about it; which gave us satisfaction, and wee never importun'd you any more about it. And therefore pray bee satisfied with what wee have now answered."<sup>11</sup> Bellomont asked to have sachems' sons out of each nation sent down to New York, that they might

Further rude  
shocks to  
crude  
proposals.

<sup>9</sup> Brodhead, iv. 736.

<sup>10</sup> *Ibid.*, 736, 737; August 30, 1700.

<sup>11</sup> *Ibid.*, 738.

be taught reading and writing, in English and Indian. He received for answer: "That is a matter that relates to our wives, who are the sole disposers of their children while they are under age."<sup>12</sup>

His lordship now came to a matter which had sorely grieved him during the past month. At the moment it had come to his knowledge, he appended a hurried postscript to a despatch for the Lords of Trade, saying that Father Bruyas and M. de Maricourt were at Onondaga; and both of them "speak the Indian tongue," said he, "as they do French." He had said further, that the Onondagas were "the most warlike of all the Nations, except the Mohacks, who are dwindl'd to nothing almost." He much questioned "whether it be in the art of man to retrieve the Five Nations." With this load on his mind since July 31, he now said to the Five Nations, on August 31: "I would be very glad to know, upon what errand or message it was that Mr. Maricourt and Mons<sup>r</sup> Bruyas the Jesuit, and the rest of the French, came to you lately at the Onondages Castle"; and he begged them to be ingenuous with him. Thereupon he was treated to a rehearsal of Bruyas' grand speech, which the Indian orator seemed to enjoy, as he recounted its ten heads. The relater was considerate enough to soothe his lordship's feelings by telling how the Five Nations had rejected one of Bruyas' propositions, that about the Jesuit's coming to live with them at Onondaga. But Bellomont asked: Then what were their four sachems doing at that moment in Canada? The orator was equal to the emergency, and retorted: The four sachems were gone to bring back their prisoners: "we have stayd two yeares to see if you could get back our prisoners; but, not being done, we were necessitated to do it ourselves."<sup>13</sup>

Here there was a lull in the proceedings. Three of the Five Nations returned home. The Schakkook Indians of the Hudson came forward. They were dependants of the Five Nations. They described themselves in two ways, apparently contradictory, but really meaning that their body consisted of two distinct elements. First, they stated that they were on this River Hudson before the arrival of any Christians; "and the first Christians that came settled upon Renselaer's ys [*his*] land near Albany"; and they loved the Christians from the first. Secondly, in the very next breath, they described themselves as having come only "six and twenty years ago" from New England into this New York government. Then

<sup>12</sup> Brodhead, iv. 788.

<sup>13</sup> *Ibid.*, 689, 739, 741-743.

was a tree planted at Schakkook, whereof the branches spread. This double-sided description and Bellomont's manner of address to them all as Catholics afford a confirmation of Bishop Laval's report, about the French Catholic missions having extended all the way from the rear of the New England colonial strip to the backlands of New Netherland.<sup>14</sup>

The business of these Schakkooks was one of neighbourly piety. After the expression of much courtesy to Lord Bellomont and his lady present, they recalled how his lordship, two years before, had proclaimed an exchange of prisoners between France and England. Now these Schakkooks were responsible for two prisoners taken from French Indians, one a girl at present with Colonel Ingoldesby's wife, the other a boy with the widow of David Schuyler. "Wee desire the said two prisoners may be sent back. We do give three bevers."

Bellomont's  
rudeness to  
Catholic  
Indians.

His lordship replied that he would be much gratified, if they brought over into his government their friends, the Pennacook and Eastern [*French*] Indians. Then would the Schakkooks already linked to the Five Nations, and the others (detached from the French), "very much strengthen the covenant chain." But, adopting a sterner tone, he proceeded to express his regret that the Schakkooks were Catholics, and had "not the same good dispositions that the Five Nations have express'd of becoming Protestants, and being instructed in the true Christian faith; which would be infinitely more pleasing to mee than all the complements you can possibly use to me."<sup>15</sup> Under pain of being very displeasing to him, of being cut off from him their "loving Father," and being disowned as his "dutifull children," they were to renounce all that bad company and those bad ways of theirs—Canada, Jesuits, Popish missionaries, the Catholic religion, yea, even trading with French or French Indians. But as to the business in hand of releasing the two prisoners, who according to his own engagement had a right to be freed, he would "take a time to examine the matter." His manner having thus marred the whole interview with its arrogance, he applied the vulgar salve of a present, on the same terms as with the Five Nations, stuff, guns, rum, tobacco, and all the rest.<sup>16</sup>—At a later period, Sir William Johnson had good reason to observe, that the French and Spaniards pleased the Indians more by their manner than with any amount of

<sup>14</sup> *Supra*, pp. 264, 265.

<sup>15</sup> Cf. *supra*, § 156.

<sup>16</sup> Brodhead, iv. 743-745.—See *supra*, p. 297.



vulgar stuff and matter, whether that was much or little. For a little matter was much when seasoned with civility in the manner.<sup>17</sup>

Two of the Five Nations still lingered at Albany, the Onondagas and Senecas. Quite unintentionally they made the earl provoke them to pay his diplomacy a parting salute. It happened that a friendly message or belt had come, a couple of months before, from the Praying Indians of Caughnawaga to the Iroquois cantons. On the presentation of this case, the Earl of Bellomont, Governor of New York, quite mistook his attributions, apparently imagining that he was Earl of the Iroquois and governor of the cantons. He blurted out to the two nations that herewith he confiscated the seductive Caughnawaga belt or message; that they must not acknowledge it; and that they should receive a sincere one of his own, as a token of his friendship. The sachems answered: That belt meant a confirmation of the peace, which had been made between the two Crowns in Europe; if peace was what was wanted, they must answer it. My lord, who had himself announced the peace to them, limped out of this last quandary with the reply: Answer it by all means; but say, that you do nothing "without the privity and good liking of the Great King of England's Governor of New York." The sachems politely said, yes; and they went home.<sup>18</sup>

Considered as diplomats, the savage Iroquois had defeated the civilized earl at all points of the line. Considered as men, they acted on principles which were not merely equal but superior to his. In the whole conference, which lasted some eight days, they had slandered nobody; they had lied about nobody; and they had declined the bribe of the earl for treachery. If theirs was a paganism, it showed the leavening of the missionaries' work among them; and some of the Christians still lingered there, submitting to the expropriation of being taken over as "Protestant Maquase [*Mohawk*] Indians." It was a live heathenism, sloughing off its dead matter; not a Christianity dead and putrefying, like a castaway orange-peel on the side-walk. And they could drive home a plain truth. They were the keenest of the keen. On a former occasion, when Messrs. Schuyler and Bleeker brought to the Onondagas a message from Bellomont, the chiefs considered a complex proposition which was laid before them, partly

The Iroquois  
as diplomats,  
and as men.

<sup>17</sup> *Infra*, p. 412.

<sup>18</sup> Brodhead, iv. 745, 746.—The conference lasted from August 26 till September 4, 1700.

negative and partly positive ; to wit, that no Jesuits should be allowed to come among them, and that, in lieu thereof, Protestant instructors of the Christian religion should come. To this they opposed a *moratorium* : " When wee are soe farr," was the reply, " that all things are well and settled, than we will consider of that matter." On the spot, the orator Decanissore proceeded to advance a very different proposition. He took up an unhappy observation of the envoys, that the Five Nations were " the King of England's subjects." Out of this he took just so much meaning as to make a fine retort, and drive an unpleasant truth home ; saying that, if they were subjects, they should have been helped, as they had not been : " If the French should make a warr upon us and molest us as they have done, pray lett us have assistance in reallity, and not be deluded with falsehoods, as we have been formerly."<sup>19</sup> On the present occasion of the conference at Albany, all the reality which had been served up to them was rum, an expensive heap of presents, and the old pawn, already played off a dozen times before, that of Bellomont's friendship and the king's protection. They understood perfectly. After fighting during eleven years with the distant Indians and the French, they were to go on extending their protection to the king's colony at the cost of their blood, lives and nationality ; and then finish off their protectorate by letting the king and the English occupy their vacant land—already given away by Governor Fletcher from under their feet.

§ 187. Civilization and savagery are very relative things, expressed by terms very ill defined. Whatever civilization divorced from Christianity might be, these Iroquois furnish some data for a descriptive definition of savagery. They had a long and accurate memory. Their minds were not given to a helpless absorption which, leaving not enough behind to forget, assimilated nothing, and kept nothing in its right place and proportion. They thought, reflected, judged. Their sources of knowledge were opened to them in ears and eyes ; listening to what was said by word of mouth ; and, still better, reading the wisdom which was poured over nature. St. Thomas Aquinas says on a sacred passage : More noble is it to learn from the wisdom poured over nature, than to learn from men.<sup>1</sup>

Their thoughts were expressed in a language worthy of such a

<sup>19</sup> Brodhead, iv. 565 ; May 9, 1699.

<sup>1</sup> *Summa Theol.*, p. iii. q. xii. a. 8, ad 2<sup>dum</sup>.—Ecclesiasticus i. 10.

double source, and uncontaminated by printer's ink. It was no dialect, cant, patterning by rote, or retailing things thought by other nobodies. They consigned their clear thoughts and memories to the keeping of wampum; the Cherokees in London, 1730, answered his Majesty's belt of wampum with feathers.<sup>2</sup> Such documents, communicated to correspondents, or laid up in the archives of the canton, were interpreted in only one way. We have known some important printed books interpreted in a score of ways. Eighteenth-century Englishmen, who were largely innocent of reading, developed documentary arts of their own, but not quite equal to the braided beads of wampum. For instance, the painter's art of making gaudy sign-boards for inns and shops in England was a highly cultivated and elaborate art of the time, but considerably restricted as a medium for the interchange of ideas.<sup>3</sup>

The family organization of the Iroquois was as perfect as might be expected, without the moulding of Christianity. They had children, and loved them. Little captive French children did not wish to be put back in Canada; they wanted to be Iroquois.<sup>4</sup> The savages respected women. The family was the essential unit of the social and political organization, which reached a high degree of development.

It is true that they showed no signs of that exquisite sensibility which a physician has described as slobbering over animals, while killing babies or having none. They cut, slashed, and did captives to death. They themselves, when slashed or burnt, never uttered a cry or a moan; they sang a war song of defiance. Nevertheless, with captives whom they did not do to death, they were not intolerant, nor tyrannical; nor were they slave masters. With Indian tribes, "slave" meant only prisoner.<sup>5</sup> The Iroquois took prisoners by adoption into their tribes; and we have seen a Father Milet become not only one of themselves, but a sachem over them, and the most influential of them all.<sup>6</sup> It would be in vain to look, in all their system of polity, for the equivalent of William III.'s instruction to governors on fostering slavery; that "all due encouragement and invitation" should be given "to merchants and others, who shall bring trade unto the said province,

<sup>2</sup> P. R. O., 602, f. 198.

<sup>3</sup> Lecky, *England*, ii. 162.—Cf. Smithsonian, *Ethnology*, bulletin 80, ii. 904, seq., s.v. "Wampum."

<sup>4</sup> Brodhead, ix. 688; narrative, 1697, 1698.

<sup>5</sup> Smithsonian, *Ethnology*, bulletin 80, ii. 599, s.v. "Slavery."

<sup>6</sup> Cf. *Ibid.*, i. 15, 16, s.v. "Adoption."

or any way contribute to the advantage thereof, in particular to the Royall African Company of England," by sweeping unwarlike populations into slavery.<sup>7</sup>

Nor was there any equivalent in Iroquois civilization for the well-known savagery of the London gentry, who were called diversely "Mohocks," "dancing masters," "sweaters," etc., according to the indescribable forms of drunken barbarities which they practised on citizens in the streets.<sup>8</sup> Nor, again, were these savages much inferior to the mosstroopers and freebooters south of the Tweed in Charles II.'s time, or to the wild men of almost our own generation, who at the sources of the Tyne brandished dirks while they danced a war dance, equally wild women accompanying the fury with weird chants and measures of the heath. These, we are told, were a lawless people; as the Iroquois were not. The fresh air, green swards, and noble forests of America compared more than favourably with the streets and foulness of London town, where "taking the wall" and letting others take the splashing of mud was a daily exercise of civic comity. In English counties a coach and six was not a luxury, but a necessity for dragging human creatures out of the quagmires.<sup>9</sup>

The Iroquois often sat in councils of war. But we see no trace of their sending others out to fight instead of themselves. "We are going to the death," said they to Governor Hunter. *The cavaliers.* Their cabinet councillors never sent out by the tens of thousands men better than themselves, shop-boys and clerks, to be butchered on a field by all the appliances intended to butcher such, but not meant to reach the lordly drones who sent the men out. Personally, these Indians were magnificent specimens of humanity. They painted indeed; but only to supply what nature had denied to their splendid physique, a sufficiency of the repellent and terrible to smite their foes with fear. They had no need of painting to supply for any attractions, which nature denied to complexions decayed.

The latest scientific researches on these nations report to us that, "far from being a race of rude and savage warriors," the Iroquois were "highly organized, socially and politically"; they *The women.* were "a kindly and affectionate people, full of keen sympathy for kin and friends in distress, kind and deferential to

<sup>7</sup> Brodhead, iv. 290, Instructions for the Earl of Bellomont, 1697.

<sup>8</sup> Lecky, *England*, ii. 105, 106.

<sup>9</sup> Macaulay, i. 296, 372-374, 392.

their women, exceedingly fond of their children." Not only were the children entirely under the control of the women, but every chief acquired his position and retained it by the consent and co-operation of the child-bearing women. He obtained his nomination by the suffrages of the matrons. The genealogical development of every family was strictly determined by the descent from a woman, and through the female line only. All lands and houses belonged solely to the women.<sup>10</sup> For this very period of which we are speaking, it has been said of English women as a class, that "licentiousness had produced its ordinary effect, the moral and intellectual degradation of women."<sup>11</sup>

Religion was an intensely vital force with these nations, as it had been with the old Romans, foremost warriors of their day. They were at the opposite pole from the worse than dead-and-alive condition of the eighteenth century, and its utter disregard for God, heaven, or hell; when a Sir Philip Francis could sneer with some sincerity and truth, that he cared no more for a bright reversion in the skies than the Archbishop of Canterbury did. With the Indians in general, the invisible was a great reality, above, around, hereafter. Their signs and symbols, like their language, were redolent of the preternatural, even where Christianity had not succeeded in elevating them to the supernatural. They distinguished clearly between the sacred and the profane. They had the universal moral sense, dividing good from evil, and knowing well such things as justice, liberty, duty. Of Indian fidelity in general to an agreement once made, Colonel Croghan said in 1764 to the Lords of Trade: "It is well known that they never claimed any right to a tract of country after they sold it with consent of their council, and received any consideration, tho' never so trifling."<sup>12</sup>

To form a comparative estimate of the so-called savagery confronted with a so-called civilization, we can scarcely reach farther than the Scythian philosopher of over two thousand years ago: "Anacharsis the Scythian," said he, "is a barbarian to the Athenians; but the Athenians are barbarians to the Scythians." In terms less classical and more partial to one side, the same idea was insinuated by Father Mosley, an Englishman. The rats and mice, he wrote, came in as adventurers with the English. "The Indians think us of no

Civilized or  
barbarous—  
"as you like  
it."

<sup>10</sup> Smithsonian, *Ethnology*, bulletin 30, i. 616-618, s.vv., "Iroquoian Family," "Iroquois."

<sup>11</sup> Macaulay, i. 409.

<sup>12</sup> Brodhead, vii. 604; (1764).

better breed; for we have devoured their substance, as the rats and mice do ours";<sup>18</sup> or as the street sparrow, starting from the Atlantic, has cleared whole states in the American Union of their native forest birds.

§ 188. If the civilization of the Iroquois had ways of its own which we do not like, there is a mantle of indulgence for all that. Their ancestors had never been Christian. But a Leisler and his compeers in charge of the New York government, men who presumably had known a Christian ancestry—these knew not the common law of nations. The commissioners at Albany instructed the Iroquois to seize the chevalier D'Eaux<sup>1</sup> and his companions, accredited envoys of the Canadian government, and to torture them "in their barbarous manner." Lieu-<sup>From tortur-  
ing to moral-  
izing</sup>tenant-Governor Leisler wrote to the Earl of Shrewsbury, that the commission was executed "with all imaginable vigour"; and he gloated over the performance.<sup>2</sup>

David Schuyler, alderman of the city of Albany, was somewhat better equipped with moral ideas than Leisler, as he showed in a long thesis to Lord Bellomont "on the ardent desire of the Indians of the Five Nations to be instructed in the Christian faith." He had just been to Canada, where he had expected to find eighty fighting men of the Iroquois at Caughnawaga, but where he learnt that there were three hundred and fifty fighters, with fifty more due. He had gone with weapons of Scripture about him; and he flung a text at a Caughnawaga Catholic. He quoted Holy Writ to the effect that sin had to be liquidated by penance; therefore he inferred that it could not be liquidated by the Sacrament of Penance. The theologian received an answer worthy of his pains and of his logic. He was told, dirty linen could always be washed.<sup>3</sup>

Livingston, secretary for Indian affairs, added philosophy to theology, when trying to explain for Lord Bellomont the "cause of our Indian desertion." His explanation was, that the Indians feared the French, and meanwhile received no Christianity from the English. This he expounded. The Indians believe in God and the devil; God is a good man, whom they love, because he never does them any harm; the devil they fear and bribe, that he may do them no harm. They liken the French to the devil, and the English to God: "Us

<sup>18</sup> History, I. 390.

<sup>1</sup> The proper form of this name was "Chevalier d'O."

<sup>2</sup> Brodhead, iii. 732; June 23, 1690.

<sup>3</sup> *Ibid.*, iv. 747, 748; August 17, 1700, to Bellomont.

they love," wrote Livingston gravely to Lord Bellomont, "because of the good that [*they*] daily receive from us."<sup>4</sup>

Above the philosopher and the theologian was the Earl of Bellomont, a man of sentiment, which he expended on himself. The nice little squeamish person, who for his portrait donned a suit of complete armour,<sup>5</sup> could not forbear whimpering in his letter to the Lords of Trade about the inconvenient "nasty little sloop" albeit English, and the nastiness of Indian tobacco smoke, enriched with the perfume of bear's grease pomatum. So he chanted his little ditty that he was aweary; and it was "extreamly tiresome"; and it was "the greatest fatigue" he ever underwent in his whole life.

At his lordship's elbow were his interpreters and his scribes, who were supposed to know writing and spelling. As a veritable sacrifice to the genius of scientific precision, we have defaced our pages with the style and spelling of these men.

The residual material of Iroquois life, which, beguiled with copious promises of Christianity, did still cling to the original habitat on the southern side of the French border, never again had a fair chance of waxing into a Christian republic like that of Paraguay.<sup>6</sup> And yet it was out of such barbarous hordes that the Christendom of Europe itself had been formed. What with the strain of war and the draining of their men to Canada, the Five Nations felt the decline of their forces, and said at Albany by the mouth of their orator: "Wee were here before you, and were a strong and numerous people when you were but small and young like striplings, yet wee were kind and cherished you." Then they proceeded to speak of the Jesuits, in terms which shall be recorded soon.<sup>7</sup> What did his lordship reply to this pathetic representation? Nothing direct; but to the Lords of Trade much that was indirect. He disparaged the Five Nations for their losses, which, after peace had been made with the French, were augmented in their war with remote Indians—120 men lost since the peace with the French, and only 1400 fighters in all at the close of the French war: "I appeal

<sup>4</sup> Brodhead, iv. 648, 652; report, April, 1700.—When Burke delivered his retort to this same effect, on the reverence shown to the memory of Hastings in India, was he perhaps borrowing from the Albany trader? Cf. Macaulay, *Essay on Warren Hastings*.—Colonel Croghan was a philosopher like Livingston. He propounded to the Lords of Trade (1764), that the Indians "are to be governed by love and fear." How his development of this thesis disagrees with the Jesuit government of their Indian nations, from Labrador to Patagonia, we do not pause to note, beyond saying that there is not even a stray idea in it of Christianity or charity (Brodhead, vii. 606).

<sup>5</sup> Winsor, v. 97, reproduction of the portrait.

<sup>6</sup> Cf. Hernandez and Pastells, *supra*, p. 386.

<sup>7</sup> Brodhead, iv. 740; August 31, 1700.

to your lordships, whether the Five Nations can at this rate last many years, and be a barrier between these plantations and the French." And the beavers too, of which in Dutch times 66,000 were said to have been exported from New York within a year, had now come down in number to 15,241 during the past year. As to the English plantations, he said: "We had as good to make the French a complement of 'em, before they take 'em from us against our will, as most certainly they will do, if they kill part of our Indians and inveigle away the rest." Money he could not obtain from London or from the plantations for the defence of New York and New England. He was shouldering English wars upon the natives, whose lives were cheap.<sup>8</sup> This was what he proposed to the New Hampshire assembly in 1699, that the war with the Eastern Abenaki Indians should be conducted by bringing down "the Mohack Indians to cut 'em off." He wanted just two or three hundred of them, as a fair substitute for as many valuable English lives. But the New Hampshire assembly declined, for a reason of "such nicety and squeamishness, as all the rest of the world," wrote Bellomont, "will laugh at."<sup>9</sup>

At the sight of this adventurer ridiculing the Americans for a trait of decency, we may be inclined to think that the American-born English character had sentiments native to it, which were unknown to the English foreigner; as natives may have implied, when they subjected English adventurers to laws of naturalization.<sup>10</sup> Neighbourhood, so fruitful in dissensions, does still create a feeling of neighbourliness. Jonathan Belcher, for instance, Governor of Massachusetts, gave expression to such a feeling when he spoke to his assembly on a law against "strong liquors among the people of this province." He said: "While I am on this head I must tell you, I have lately had complaints from the Eastward [*Abenaki country*], even from the Popish missionaries among the Indians, that, while they are teaching those poor people virtue and religion, we are destroying their souls and bodies with the plague of rum—for so they stile it. Methinks this is such a scandal to a people that profess so much religion as we do, as well as a great injury to the Indians!"<sup>11</sup>

Notwithstanding influences now at work to debase and exterminate them, the Iroquois nations showed that the salt of the earth had been

<sup>8</sup> Brodhead, iv. 768, 789; Bellomont, October 24, November 28, 1700, to Bd. Tr.

<sup>9</sup> Cf. *supra*, p. 271, *ad* note 1.

<sup>10</sup> Cf. *infra*, p. 462.

<sup>11</sup> *Researches*, xv. 134; December 10, 1730.



sprinkled over them. Their whole style of thinking and of speaking underwent a change. When more than six hundred of them were starting with the great English expedition of 1711 to take over all Canada, for that was a cheaper business, as Livingston said, than fighting any more with the French,<sup>12</sup> they proposed, in their conference with Governor Hunter, to pardon and receive again as friends their erring Caughnawaga brethren, because, said they, "the great God would be angry at us, if we should destroy those that sue for pardon and forgiveness, and return to their obedience." They asked: "What shall we do with the French captives, whom we shall take?" That was entirely a new idea with the Iroquois. Returning, six weeks later, from the bootless enterprise, which was a second repulse, they said to the same governor: "We see God is against us."<sup>13</sup>

§ 189. Supposing the Jesuits to be dead as far as the Iroquois cantons were concerned, the English and even several Indians cultivated an amount of superstitious lore about the departed. Some of the traditions revealed a spirit of boldness like that of the Ottawas, who, as the Marquis de Denonville said of these allies, displayed great bravery when the battle with the Iroquois was over. Then they came to the front, scalped, roasted and devoured the dead.<sup>1</sup>

Looked at with awe through the mists of distance, the influence of the Jesuits was like that of a manitou, mysterious; or at least like that of medicine-men, hypnotizing the Indians. The Lords of Trade, feeling about for the secret of such magic influence, suggested to Bellomont that surgery and physic, dispensed by Protestant ministers, might enable them to cope with the bewitchery of the Jesuits.<sup>2</sup> Livingston, secretary for Indian affairs, suggested toys for Protestant ministers; and then, wading out incautiously into the unknown sea of religion, he went beyond his depth completely. He said, the Jesuits in Canada were "so cunning" as to get a share of what an Indian hunted; "which," continued the fur-trader, "is brought and laid before the image of the Virgin Mary in the church; and this being done they have not only remission of their sins, but her prayers to the bargain for good luck, when they go out hunting next time. It's strange to think what authority these priests have over their Indian proselites; they

<sup>12</sup> Cf. Brodhead, iv. 1068; Livingston (1708) to Bd. Tr.

<sup>13</sup> Brodhead, v. 269, 270, Albany, August 25, 1711; 278, October 9, 1711.

<sup>1</sup> Rochemonteix, *xviii*, iii. 195.

<sup>2</sup> *Supra*, p. 293.

carry a chain in their pocket, and correct the Indians upon the commission of any fault; which they bear very patiently.”<sup>3</sup> Notwithstanding such Jesuit martial law in Canada, the same secretary for Indian affairs reported in the same document about the Mohawks: “Near two-thirds of said nation are now actually in Canada.”<sup>4</sup> As an article of “French” teaching, the Jesuits not being mentioned, John Sabin reported to Bellomont “that the Virgin Mary was a French lady, and our Saviour a French man; but the English are hereticks.”<sup>5</sup> Laborie, a French minister at New Oxford, told his lordship of a plain matter, which was more obvious. He was trying to stop the wholesale migration of the Eastern Indians to the French district of the Pennacooks; but his braves told him, “the religion of the Indians of Penikook was more beautiful than ours.”<sup>6</sup>

An idea of religious utility penetrated into the Privy Council of Queen Anne (1710), when four sachems were in London, with Colonels Nicholson and Schuyler. The Lords of Trade bestirred themselves, and communicated to the Privy Council an old document of Bellomont's, that in which the speaker of the Catholic Cahnawaga Indians had expressed his kindly-meant but severe sarcasm on the English and their want of religion.<sup>7</sup> By order of council, the Society for the Propagation of the Gospel was set in motion; and its committee reported seven articles for the establishment of a mission to teach religion.<sup>8</sup> Mr. Andrews then took the field with the establishment voted him—somewhat more material than that of the Jesuits, “not less than 150£ per annum for himself,” understood to be a “single” person, and “about 60£” for his interpreter, probably also single. In all this, the elevated purpose of religion was treated with honour, though the results were such as we have seen above.<sup>9</sup>

But even this effort in 1710 on behalf of religion did not avail to save the idea of Christianity from becoming densely beclouded again in the thick atmosphere of men's minds. In 1721, Burnet, Governor of New York, found in the act of the Senecas, who, said he, “have agreed to receive priests among them from the French,” a breach of the Treaty of Utrecht, article 15, “whereby they,” presumably the

<sup>3</sup> Brodhead, iv. 649; report, April, 1700.

<sup>4</sup> *Ibid.*, 648.

<sup>5</sup> P. R. O., B.T., N.E. 10, G. 11.—Cf. Brodhead, iv. 638, 684, Bellomont, April 20, July 9, 1700, to Bd. Tr.

<sup>6</sup> P. R. O., 569, N.E.. ff. 48, 49, J. Laborie, New Oxford, “*ce 17 juin, 1700,*” to Bellomont.

<sup>7</sup> *Supra*, pp. 294, 321.

<sup>8</sup> *Ibid.*, 58, f. 95; April 28, 1710.—Cf. J. Mayhew, *Observations*, pp. 128, 129.

<sup>9</sup> *Supra*, p. 326.

French, not the Senecas, "are required 'not to molest the Five Nations.'" Here the preaching of Christianity at the request of Indians themselves was a molestation, though the very same article of the Treaty assured "full liberty of going and coming on account of trade," and therefore, Jesuits not excluded, on account of religion.<sup>10</sup> Pownall, Governor of Massachusetts, cut the whole knot of the difficulty in the simplest way possible. He propounded to the Lords of Trade in 1755 that, as to Jesuits, "nothing is meant less than religion by them."<sup>11</sup>

Christianity  
a "molesta-  
tion" of the  
Indians.

As to that Jesuit martial law with proselytes, referred to by Livingston, a certain awe and dread did really pervade the minds of Iroquois braves. There were those fifty sachems seated in solemn conference with Lord Bellomont at Albany, facing with the pride of five nations and with the parade of their paint and tomahawks the majesty of Great Britain, personified in the governor. Amid the deep silence of an Indian council their orator treated of this Jesuit terror. After an insinuating introduction, he said to the Protestant lord: "When wee are to be instructed in the Protestant religion, pray let not such severities be used as the Jesuits do in Canada, who whip their proselytes with an yron chain, cut the women's hair of[f], put the men in prison; and, when the men commit any filthy sin, the priest takes his opportunity, and beats them when they are asleep." Presuming on my Lord Bellomont's engagement, that no Protestant minister would ever trouble them so for sin, the speaker of the fifty sachems and of the Five Nations proceeded cheerfully: "Now, as a token, wee accept of being instructed in the Protestant religion. Wee give nine bever skins."<sup>12</sup>

The braves  
on Jesuit  
martial law.

But the sachems had miscalculated. They were not aware that the Protestant minister had in reserve a chastisement, which no Catholic missionary could bring himself to inflict. It was that of the interdict, by which he would deprive them of his presence and ministry. Secker, Archbishop of Canterbury, used divers formulas to signify the uniform application of this censure. He said of Mr. Thoroughgood Moor, that "after near a twelvemonths trial he left them"; of Mr. Andrews, that "he despaired of any further success"; and he was recalled "after a trial of six years," the four sachems who had been in London having become savages again; that "it was

<sup>10</sup> Brodhead, v. 586, Burnet, June 18, 1721, to Bd. Tr.—*Cf. Ibid.*, ix. 1001, text of art. 15, Treaty of Utrecht.

<sup>11</sup> *Supra*, p. 227, note 10.

<sup>12</sup> Brodhead, iv. 740; Albany, August 31, 1700.

no longer safe for Mr. Barclay to stay among them." Dr. S. Johnson expressed it thus, that Barclay's "very life was in much danger, so that he was obliged to desist."<sup>13</sup>

The facts, on which rested the fiction of Jesuit martial law with proselytes, illustrate the slenderness of texture on which the superstitions were woven. Father Chauchetière describes, in *Foundation of the myth.* several long pages of his narrative, the mortifications, penances, and excesses of the Caughnawaga neophytes; and, with practical insight, he notes amongst the dangers one bad effect which was possible; that of making Christianity odious from the very first. He reports a remonstrance of these fervent Christians, when moderation was inculcated: The Fathers are full of mercy, it was said; they do not know how laden with sins we were, before we were taught to live aright. Everything that the Indian orator recounted at the Albany conference had its counterpart in fact, but in an inverted sense. It was the Caughnawaga Indians themselves who indulged in self-inflicted penance; not to mention the varied exercises of prayer, charity, and all virtues. The Fathers were endeavouring to control and moderate all. Of the Iroquois maidens Chauchetière reports that, in 1678, some thirteen of them formed a special society; and their daily exercises of labour and charity for their neighbours, especially for the poor and sick, were like those of the Ladies of Mercy in France.<sup>14</sup> The marvels of virtue witnessed in a St. Rose of Lima and a Blessed Anne de Paredes, the Lily of Quito, were being renewed on the North American continent. Catherine Tegakwitha, who died in the odour of sanctity (April 17, 1680), is now revered as an aspirant to the honours of the altar.<sup>15</sup>

#### § 190. The Jesuits, who had been angled for by Lord Bellomont

<sup>13</sup> Cf. *supra*, pp. 324, 325, 329.

<sup>14</sup> Rochemonteix, *xviii*, iii. 668, 668; Chauchetière's narrative, 1678, 1680.—Thwaites, lxiil. 200-204, 214-218. Chauchetière relaxes in the severity of his strictures on Indian penitents by throwing in this curiosity. Women cast themselves under the ice in mid-winter, and one dipped her daughter only six years old, to teach the little thing penance betimes. The mother stood freezing there "because of her past sins; she kept her innocent daughter there because of the sins to come, which this child might commit when grown up." Continuing, the Father makes a remarkable observation on the chronic state of famine among Indians: "Savages, both men and women, scourged themselves to blood with iron, with rods, with thorns, with nettles. They fasted rigorously, passing the entire day without eating—and what savages eat half the year round is not enough to keep body and soul together, *de faire vivre un homme*. These fasting women laboured hard all day, in summer at field work; in winter, cutting wood." After further particulars of these mortifications, he says: "Most of these things took place in the woods, when the savages were out hunting, or under the influence of enthusiasm [and] excess of indignation against themselves."

<sup>15</sup> Cf. Campbell, i. 301-307.—Rochemonteix, *xviii*, iii. 648.

with bribes offered to the cantons, and who had been solemnly excommunicated from the body of the Five Nations by the repeated ultimatum of his good pleasure, were steadily pursued by the cantons. They were invited back, sued for in embassies, fetched bodily, and provided for, while New York and Albany stared in dismay.

The Jesuits  
brought back  
to the  
cantons,  
1702-1709.

Soon after Bellomont's death (March 5, 1701), the Five Nations assured Lieutenant-General Nanfan that they would expel the French priests, and would suffer none to come among the Iroquois.<sup>1</sup> But, a year later, the new governor, Lord Cornbury, remonstrated with the Onondagas, that "some of your people are gone to fetch a Jesuit from Canada." He insisted: "Either send the Jesuit back again to Canada, or bring him hither." Decanissore replied evasively, that he would go home and consider.<sup>2</sup> A month later, Cornbury told the Lords of Trade that priests had actually been received by the Senecas, Cayugas and Onondagas.<sup>3</sup>

In answer to a request of the Five Nations expressed at Montreal, Father James de Lamberville with a lay brother and smith, went to the Onondaga castle; Garnier and Vaillant to the Senecas.<sup>4</sup> At a conference held in the next year, 1703, an orator of the Senecas assured De Vaudreuil, the Governor of Canada, that they would rather die than suffer the Black Gowns to be driven from their villages; and, as there was among them a dissenting party won over by the English, both Senecas and Onondagas undertook to oppose such dissentients with great firmness, and protect the missionaries.<sup>5</sup> In this same year, the Oneidas and Cayugas clamoured for their share of the Jesuits. Men not being available, it was only some time later that Fathers De Carheil, D'Heu and De Mareuil, responded to the invitation.<sup>6</sup> In 1709, active operations of war between the French and the English, the latter being joined by the Five Nations, put an end to this mission. Of five Jesuits on the ground, four returned to Montreal; one, De Mareuil, accepted the invitation of the Schuylers, and betook himself to Albany. Here, as well as at

<sup>1</sup> Brodhead, iv. 906; Albany, July 19, 1701.

<sup>2</sup> *Ibid.*, 999; Albany, August 19, 1702.

<sup>3</sup> *Ibid.*, 977; September 29, 1702.—In all these lamentations, there is not a trace of the religious sentiment. Cornbury goes on to plead that the Iroquois would be kept "much firmer to us than they are, if we could have two ministers settled in their castles." Then he adds incontinently: "But I think the only way of securing the whole continent would be to drive the French out of Canada."

<sup>4</sup> *Ibid.*, ix. 737, Callières, November 4, 1702, to Pontchartrain.

<sup>5</sup> *Ibid.*, 746, 749; (Canada), November 14, June 12, 1708.

<sup>6</sup> Rochemonteix, xviii, i. 6.

New York, he was treated honourably for a year, and then restored to Canada.<sup>7</sup>

So, with honour to all parties concerned, the direct influence of Jesuit missionaries on the Five Nations at their homes came to a definitive conclusion. Indirectly, relations continued during the next fifty years, till the cession of Canada. The nations wanted their Caughnawaga brethren back. They pleaded, they coaxed, they threatened to disown them. The English authorities were just as anxious; and were ever throwing out the bait of ministers for the cantons, if so to satisfy the craving of the Indian conscience for religion. Instead of the Caughnawagas coming back to the tribes, the tribes filtered out to the Caughnawagas.

The Catholic  
Caughna-  
wagas invited  
back.

Amid the particulars of a long apocryphal history, written by Cadwallader Colden, surveyor-general for Governor Burnet in 1724, one statement of his may be as wide of the mark as the rest, that, when New York first came under the Crown of Great Britain the Five Nations consisted of "ten times the number of fighting men they now do."<sup>8</sup> If he spoke of genuine Iroquois, the statement may have been true; still in 1738 the numbers actually in the cantons amounted to as many as 1500 fighters, or thereabouts, this respectable force having been swollen by adoption. But the report which gave this large number of Iroquois in the cantons, immediately added the statement: "The Indians living near about Montreal and Quebec are about 1000 fighting men, besides a vast number of other foreign nations, amongst whom the French have sixteen fortifications and settlements."<sup>9</sup> An argument of Colden's was somewhat strained, when he reasoned that, because many of the sachems of the Iroquois wore crucifixes when they came to Albany, and because the Mohawks already in Canada were known as the Praying Indians, therefore the obsequiousness of the Five Nations and of "all the Indians in North America to French counsel" was largely "owing to the priests."<sup>10</sup>

<sup>7</sup> Rochemonteix, *Ibid.*, 89-92.—At this moment an instance is reported of the poisoning policy in operation, and in its literal sense. The Iroquois dispersed their good allies, the English forces under Nicholson, by infecting the waters of the River Chicot with a mass of rotten skins. A thousand of the English died of disease, and the rest decamped, nobody knowing how the mischief had been caused. (*Ibid.*, 48.)

<sup>8</sup> Brodhead, v. 730; memoir, November 10, 1724.—In all the achievements of the French Colden sees nothing but trade and money-making; in the missionaries only trade, ambition, luxury, and "the bigotry and enthusiasm of some hot heads." (*Ibid.*, 727.)

<sup>9</sup> *Ibid.*, vi. 126; February 4, 1738.

<sup>10</sup> *Ibid.*, v. 727, 728.—The Rev. O. H. Hall in a paper on "The Dutch and the Iroquois" (Long Island Hist. Soc., February 21, 1882), indulged in a glowing

While Pennsylvania, by overreaching the tribes in land business, was driving the Shawnees to the French Indians at Detroit,<sup>11</sup> a couple of New York governors explained in the clearest terms the length and breadth of the English policy, and where it had landed them, notwithstanding all ministers and societies for the Propagation of the Gospel. "Your lordships know perfectly well," wrote Lieu-

The Anglo-  
Indian status.  
Presents.

tenant-Governor Clarke, speaking of the Six Nations in 1741, "that now we hold them by nothing but presents."<sup>12</sup> Governor Clinton, in 1745, animadverted on a grave omission of the New York assembly: "They have neglected a very material point at their late meeting, in not making provision for my having an annual interview with the Six Nations of Indians during the war, in order to make them presents to keep them in their fidelity; and the consequence of that neglect is such that most of the Indians are gone to Canada, notwithstanding all my efforts to stop them."<sup>13</sup> But Flat Nose, and two other heads of the Cayugas and Onondagas afforded some consolation a couple of years later to the governor; saying, that whereas his Excellency of New York and his Excellency of Boston had vainly "tryed two several times" to detach the Caughnawagas from the French, they themselves would now make a third trial; then, if that failed, they would make no more trials.<sup>14</sup> The Schakkook Indians of the Hudson had already drifted away to Canada.<sup>15</sup>

So was the campaign conducted during the eighteenth century of buying friendly Indians with presents. It was supplemented now by the new campaign of buying the scalps of hostile Indians with premiums. The system of costly presents was really more economical; but the greater outlay for premiums showed a livelier interest in the new departure. The presents from the Crown were £800 sterling in value for distribution at the hands of Lord Bellomont in 1700; they were £900, for Governor Burnet, in 1720; in South Carolina there was a king's bounty of £3000 for presents to Indians, about the year 1750. The colonial

description of the French Jesuit missionaries and their heroism, Father Rasle figuring conspicuously in the picture. But he said, "It is very strange that these Jesuits made no marked impression on the Iroquois. . . . They seldom failed. They failed effectually to move the Five Nations. The few converts given to them among that people they were compelled to gather around the Island of Montreal, thenceforth exiles, lost to their former friends" (*Researches*, xii. 68).

<sup>11</sup> Brodhead, vi. 105-107; Albany conference, June 30, 1737.

<sup>12</sup> *Ibid.*, 186; Clarke, April 22, 1741, to Bd. Tr.

<sup>13</sup> *Ibid.*, 282, Clinton, July 25, 1745, to Bd. Tr.

<sup>14</sup> *Ibid.*, 290; Albany, July 17, 1747.

<sup>15</sup> *Ibid.*, v. 869, 870, 969, 970; 1728, 1733.

funds of New York contributed £1000 every two years for the same service (1742); and usually at the appointment of a new governor, the Crown threw in a bonus of "£8[00] or 900," for the Six Nations.<sup>16</sup>

It is true that the New York assembly did not spare censure in 1747, on the whole policy of buying the good will of the Six Nations with presents; and for a number of reasons. There was "such a profusion of treasure"; and, with all this, the meagre result of having the nations still "on such a precarious footing." The Iroquois under British influence entertained scruples about fighting with the French, "for fear of being drawn in to shed the blood of their own relations, the French Indians; part of which (the Cochnawagas) are a branch derived from the Mohawk Indians"; and, when once in war, they could not stop till one or other nation submitted to be conquered, or was extirpated. The assembly of New York was of opinion, therefore, that it would have been better for the English to fight out their own quarrel with the French, and leave the expensive Indians alone.<sup>17</sup> This colonial idea of doing the fighting for themselves was novel, and somewhat reckless; as New York itself was soon made to understand by "the miserable slaughter," said Sir W. Johnson, of its "Independent companies and new levies"<sup>18</sup>; as Massachusetts and New Hampshire had long understood, when they represented with bitterness to the London authorities that New York did not save them from "being ruined and lost," by "encouraging the Five Nations to make their descents upon the French at Canada"<sup>19</sup>; as S. Vetch, commanding at Annapolis Royal, had complained, that his soldiers could not venture out of the fort at all, unless some hundred Iroquois were sent from New York to do the fighting in the woods.<sup>20</sup>

§ 191. But, if there was some idea of economy in providing presents, there was none whatever in offering premiums for scalps, no matter whose they were. The tariff of premiums exhibited £60 per scalp in Pennsylvania, £50 in Massachusetts, running down to what Sir W. Johnson paid,

<sup>16</sup> Brodhead, vi. 156, 224, Bd. Tr., December 20, 1739, to Privy Council; April 28, 1743, to Treasury.—*Ibid.*, 223, Clarke, December 30, 1742, to Newcastle.—*Cf. Ibid.*, 214, Clarke, August 24, 1742, to Bd. Tr.—P. R. O., 66, 1743-1754, *ad fin.*, a long debate in London, about this waste of treasure in S. O.

<sup>17</sup> P. R. O., N.Y., 10, Assembly, N.Y., October 9, 1747, to Clinton, f. 386: printed Votes, etc.

<sup>18</sup> *Ibid.*, 66, Johnson, N.Y., November 22, 1749, to the governor.

<sup>19</sup> Brodhead, v. 42, 43; May 31, 1708.

<sup>20</sup> P. R. O., 58, *Canada Expedition*, f. 145, Vetch, Annapolis Royal, June 14, 1711, to Dartmouth.



£10 per scalp.<sup>1</sup> Johnson was Indian superintendent in the north. When the New York assembly protested in 1747 against the lavish expenditure of treasure for making presents, it had already engaged (1745) in that alternative policy of a liberal tariff for scalps, which we mentioned above—as much money for the purchase of two men's scalps, or four boys' scalps, as for a minister's work during an entire year.<sup>2</sup> Mr. E. Atkin, Indian superintendent in the south, protested against this whole code of barbarity. But he was mistaken if he implied that Johnson, his colleague in the north, had not paid for scalps. Atkin wrote thus to Governor Sharpe of Maryland: "I am well assured that Lord Loudoun detests that practice, and that the French General Montcalm does the same. Sir W. Johnson gives no reward at all in particular for scalps by name."<sup>3</sup> Here we see that when, during the War of Independence, the American Colonel Clark called the Englishman Hamilton, a "hair-buying general,"<sup>4</sup> the phrase was very much like that, with which one coloured man insults another by calling him "a black negro." We also observe that since the time, 1724, when the Massachusetts council had with great solemnity paid Harman and his company £15 for each of the twenty-seven Abenaki scalps, "pursuant to the act, entitled an Act to encourage the prosecution of the Indian enemy and rebels,"<sup>5</sup> the commonwealth had raised its appreciation of a native scalp to about three and a half times as much as its former estimate.

Canada being ceded, the Indian natives became as unnecessary to the British, as English cousins soon became to native Americans. Then Indian friends and Indian foes were scalped alike. It came to pass that no Indian was a good one unless he was a dead one. During three-quarters of a century, the natives, and more particularly the Iroquois, had been steadily treated on the principle, which Lieutenant-Governor Clarke of New York enunciated in these terms to Governor Gooch of Virginia: "We are not, I presume, to insist on punctilio's with such people; we are to consider them as they are or may be useful or prejudicial to us; and, if you look upon Opportunism, them in that light, they will appear to be the best two-faced. barrier, against Canada, to all the provinces."<sup>6</sup> Such opportunism remaining the same, the Canadian peril happened to be

<sup>1</sup> Brodhead, vi. 361; Johnson, May 7, 1747, to Clinton.—Of. *supra*, p. 270, Bancroft.

<sup>2</sup> *Supra*, p. 330.

<sup>3</sup> Hazard, iii. 199, Atkin, June 30, 1757, to Sharpe. See *supra*, p. 384.

<sup>4</sup> Winsor, vi. 726.

<sup>5</sup> *Supra*, p. 275, note 14.

<sup>6</sup> Brodhead, vi. 242; N.Y., June 16, 1748.

laid; and then the application of the principle was shifted to the other side. Colonel Bradstreet uttered his thoughts upon the Five Nations. A sense of conscious dignity made him resent the idea, as he expressed it, of "our being any longer a kind of tributary to them"; and a realization of the outrage on economy made him disrelish equally the notion of giving any more presents to the Iroquois, "at a continuation of expense, too often and too heavily felt, the sweets of which they will never forget, nor lose sight of, if they can possibly avoid it." These two considerations of conscious dignity and conscientious economy, which sufficed for discontinuing presents to the Iroquois, were reinforced by a third, which recommended the discontinuance of the Iroquois nations themselves. The reason was, that they had become thoroughly imbued with the customs and habits of whites. And, without pausing to consider how his argument under this head might affect the whites, Bradstreet reasoned thus: "Of all the savages upon the continent, the most knowing, the most intriguing, the less useful, and the greatest villains, are those most conversant with the Europeans, and deserve most the attention of government by way of correction; and these are the Six Nations, Shawanese and Delawares"—to whom, if his logic had been strictly consecutive, Bradstreet should have added the principals in culpability, the "Europeans" seducing and abetting. He proposed to bring down upon these tribes the good Indians of Canada, and "cut them off the face of the earth."<sup>7</sup> So, too, in a general war with Indians at this time, Colden of New York spoke of the Senecas as having acted "most ungratefully," and that it would be "necessary to chastise" them.<sup>8</sup> Both Sir W. Johnson and Colonel Croghan pondered on the question of chastising or "rooting out" the Indians; but found all measures, which they could think of, either impolitic or impossible of execution.<sup>9</sup>

Sweeping over the whole ground, Johnson told the Earl of Hillsborough how the English treatment of Indians served every interest of the French and Spanish in Louisiana; how "retrenchment of expenses in the Indian department has been already represented by their agents as instances of our parsimony, neglect, and contempt;

<sup>7</sup> Brodhead, vii. 692, Bradstreet, Albany, December 4, 1764, to General Gage.

<sup>8</sup> *Ibid.*, 594, Colden, N. Y., December 22, 1768, to Halifax.

<sup>9</sup> *Ibid.*, 600, Johnson, January 20, 1764, to Bd. Tr.—*Ibid.* 604, Croghan (1764) to same.—Johnson, *loc. cit.*, proceeds to the easier policy of rooting out the Jesuit missions. See *infra*, p. 412. But the Indians, in 1768, remonstrated with him for what was going on about the country: "The Pensilvanians and Virginians murder all those of our people they can meet, without any reason" (*Ibid.*, viii. 47; at Johnson Hall, March, 1768).

and the want of any powers for their relief as marks of our injustice and disregard; the unrestrained conduct and cheats of the traders have been given as characteristic proofs of our dishonesty and want of authority; the neglect of sending missionaries of our Church amongst them, as an instance of our irreligion." These Spanish and French representations of the case were made, he added, "through the means of agents of much influence, supported by gentle treatment, and confirmed by handsome presents" <sup>10</sup>—the treatment of Indians by French and Spaniards being characteristically gentle, and the presents, even when not valuable, being characteristically handsome, if only for the manner of the thing.

§ 192. Sir William Johnson, a member of the Society for the Propagation of the Gospel, threw out an important suggestion for treating with the hostile Indians in 1764: "That, for our further security, they consent that the several Jesuit missions, those fountains of discord, be abolished; which may be the readier effected, as that Society is no longer tolerated in France. The lands, which will revert to the Crown by their abolition, will endow a bishoprick in Canada, as well as provide for a number of inferior clergy, who might be employed greatly to the advantage of his Majesty's interest"; and, as he hoped, to the Protestantizing of the Catholic Canadians.<sup>1</sup>

<sup>10</sup> Brodhead, viii. 105, Johnson, October 28, 1768, to Hillsborough.

<sup>1</sup> *Ibid.*, vii. 600, Johnson, January 20, 1764, to Bd. Tr.: "And I cannot help observing that the establishment of Episcopacy there, under a [*Protestant*] resident bishop, would not only strengthen the Church of England, but prove a means of adding, in a few years, a number of faithful subjects to the Crown, who can not at present be considered in that light." This was said in the course of a discussion by Johnson on "speedily rooting out the Northern Indians," which was not possible as yet, nor expedient for the sake of trade; on evicting the French residents at Michilimackinac, among the Miamis, etc.; and, in the last place, on abolishing "the several Jesuit missions," with the consent of the said hostile Indians. The date was 1764, a little more than three years after the reduction of Canada. Some years later still, Johnson mentioned to the Rev. Charles Inglis a secret reason for his sanguine views respecting the extirpation of the Jesuits; "that Order," he wrote, "being so much discountenanced in most of the Romish States, and secretly disliked by the clergy of that denomination, from the superiority of their influence over the great of that Church" (O'Callaghan, iv. 462; September 10, 1771).

The Rev. Charles Inglis, subsequently first Bishop of Nova Scotia, was just then assistant minister at Trinity Church, New York. He engaged in writing a "Memorial concerning the Iroquois"; and he was countenanced by Sir William Johnson, as well as Governor Tryon, through whose good offices he negotiated the presentation of his paper to the Earl of Hillsborough. (Cf. O'Callaghan, iv. 425, *seq.*, *passim*. Memorial, October 1, 1771, *Ibid.*, 1091-1117.) Colonel Guy Johnson concurred by drawing a map of the Iroquois country. (*Ibid.*, 1090. Cf. *infra*, p. 415, note 5.) Inglis had asked Sir William a question, thoroughly characteristic of the Protestant mind, whether a Catholic bishop, in the exercise of his divine office, was in the grip of an Indian superintendent, a colonial governor, a secretary of state, and the royal supremacy. He wrote: "If you can inform me, I should be glad to know whether the [*Catholic*] Bishop of Quebec has permission to ordain missionaries, and send

This pious wish to undo the Catholicity of the Canadians was, as we have seen above, universal at the time, and had set all in a ferment, not only the Episcopalians to absorb a bishopric, but the Congregationalists to absorb the Catholicized Indians. Having the French now in their power, they could stop the Jesuit evangelization of the natives. The preamble of the charter incorporating in Boston a "Society for Propagating Christian Knowledge among the Indians" expressed the idea in these terms: "A favourable opportunity of

them where he thinks proper" (*Ibid.*, 459; August 19, 1771). Johnson replied: "I believe he can; though I imagine, if so, that they are not to be Jesuits, that Order being so discountenanced," etc., as above.

The outcome of the correspondence was the proper redaction of the Memorial, trimmed down or furbished up by the Johnsons to suit the purpose. The statement of the thesis was as characteristic of the religious situation, as the inquiry about the Catholic Bishop of Quebec. After a preliminary which was correct enough: "In order to civilize the Iroquois, it is necessary to begin with instructing them, especially in the principles of religion," and then an observation, which was rather equivocal for its understatement: "Christianity is well adapted to this purpose," the writer proceeds to formulate his theme: "I shall not consider this subject in a religious view, nor adduce theological arguments for undertaking the conversion of savages. I shall confine myself to such as are merely political; and only mention their conversion as being subservient to the purpose of civilizing them, and riveting them more firmly to our interest" (*Ibid.*, 1098, 1094). This was precisely what Governor Dongan had called, making of religion "a stalking-horse" for politics. Still it had the merit of respecting the writer's limitations, and those of the great men who were to understand him—the Indian superintendent, the governor, the secretary of state, and the royal supreme head of the Anglican Church.

The rest of Inglis's paper shows the awkward gait of the stalking-horse. It is a set of dreary platitudes and armchair philosophizing, which had been prosed about during seventy years, from Dr. Bray to Archbishop Secker, as we saw above in Chapter XIII. He talks about "the French," as if at this date, ten years after Canada had become English, there was a French State somewhere, conducting a missionary campaign. But there is method in the obscurity. He is angling for the English State to come in and convert the Indians, since the English Church had not done it. In other words, it is the old contention, to get money and salaries from the State. But coming to close quarters with the question of the Jesuits, though still at a respectable distance from them and from the truth, he does not fail to touch the right key, so much favoured in times gone before, that the priests threw "many difficulties in the way of our missionaries." He continues: "They stuck at nothing, however infamous, for this purpose. They invented and propagated the most glaring falsehoods to prejudice the Indians against us. They did not even hesitate to persuade them, that the English were the people who crucified Jesus Christ, and that the books used by our missionaries were written by the devil," etc. (*Ibid.*, 1108). Nothing could be plainer than that the Established Church had been a sufferer.

Inglis showed his capacity as a man of action, better than as a man of the pen. He became first Bishop of Nova Scotia. A paper like this Memorial on the Iroquois may have revealed his qualifications, that he was safe, colourless, and negative in things religious. Father Edmund Burke, vicar-general, and subsequently first Vicar Apostolic of Nova Scotia, wrote on September 21, 1803: "To add to my trouble Bishop Inglis, aided by his clergy and some other anti-Catholics, have succeeded by force of intrigue in inducing the Lieutenant-Governor to refuse me a license to open our school, although the law of the province permits it. This afflicts us sorely. This brave bishop full of zeal has caused an inquisition to be made, to find out if there are any Catholic teachers in the province, in order to prosecute them according to the penal laws. . . . He has excluded the Presbyterians from the new university, unless they subscribe to the Thirty-Nine Articles" (O'Brien, *Edmund Burke*, p. 83). The zealous bishop was determined that he and his other placemen should not be sufferers in Nova Scotia. Cf. *infra*, p. 505.

However, he and they met their match in Burke. See *infra*, p. 602, note 10.

doing this among the Indians of America seems now to present itself; as the French of Canada, being subjected to his Majesty's dominion, have it less in their power to obstruct so good a work."<sup>2</sup>

Thus, in the second half of the eighteenth century, it was proposed to set matters where Bellomont had placed them at the end of the seventeenth. *Rebus cunctis inest quidam velut orbis*, said the Roman historian; things roll round like seasons, and men's ways too. Bellomont had opened the century by trying to build on other people's foundations, and to trade upon what the Mohawks called the "reputation" acquired by the Jesuits of "making their Indians Praying Indians." Livingston, in 1703, had expressed the very idea now recurring in the Boston charter of 1761. The Indians, he said, have "received such impressions of the Christian religion that, if ministers were planted amongst them to convert them to the Christian faith, it would be of great advantage to her Majesty's plantations."<sup>3</sup>

The Indians of Canada were spared a repetition at their cost of the calamity which befell the others, who, said General Bradstreet, had become "the most knowing, the most intriguing, the less useful, and the greatest villains." The American Revolution was already simmering in men's minds. "It is truly a miserable thing, my Lord," wrote Dr. S. Johnson to the Archbishop of Canterbury, "that we no sooner leave fighting our neighbours, the French, but we must fall to quarrelling among ourselves."<sup>4</sup> So it came to pass that the hands of Americans were never laid on the Canadian Indians; and the English in Canada left the Catholic settlements alone.

The number of men in the old Iroquois cantons was reported by Sir William Johnson, for the year 1763, as 1960, forming the Six Nations; among whom the Senecas alone were more than half of the total. He classified other Indian nations chiefly with reference to these cantons, on the perfectly legendary assumption, that the Iroquois "claimed" to have been lords, "in right of conquest," over a domain extending from about the Cumberland Mountains south, to the junction of the three great lakes at Michilimackinac in the north, and thence eastward to Montreal. Even the Illinois far beyond down to the Mississippi did not escape the expansive claim of the Iroquois.<sup>5</sup> This

Stay of proceedings through the Revolution.

Enumeration of Iroquois, Ottawas, etc., 1763.

<sup>2</sup> Lambeth Pal. MSS., 1128, iii. 271, c. 12; 1761.—Cf. *supra*, p. 807.

<sup>3</sup> Brodhead, iv. 657, April, 1700.—*Ibid.*, 1067; (1703).

<sup>4</sup> Lamb. Pal. MSS., 1128, iii. No. 336; December 20, 1763.

<sup>5</sup> Brodhead, 573, 584.—The acceptance by Johnson of the Iroquois claim, that

assumption of Iroquois conquest suited the English well, as it served to invest them, by a cheap bargain and sale made at an Iroquois castle, with the ownership of land belonging to a score of distant nations. At the same time, another fiction, which Chancellor Kent calls "the pretension of converting the discovery of the country into a conquest," served them equally well by making them, without fighting, conquerors of the Iroquois themselves.<sup>6</sup>

they owned a large part of the continent, appears in an appendix, attached by him to the report of the Albany Congress (July, 1754), nine years before this census. He first suggested: "Young men of learning, at least grammar, to reside among the tribes of the Onondages, Senecas and Mohawks, in order to become good interpreters in every dialect, which are much wanted. Those might serve also for schoolmasters or catechists." This was rather an inversion of the Christian plan, in which catechists came first; and then schoolmasters. Johnson proceeded: ¶ "It might be expedient to remind the Indians of their ancestors having given and rendered up all that land or country, at least the preëtion of it, where their beaver hunting was, to his Majesty King William, which they won by the sword 80 years before, besides their own native land which they gave also" (P. R. O., 604, f. 207). Now nothing is clearer in Iroquois history during the eighteenth century, from the time when they quaked at the thought of offending sixteen nations westward, in the matter of touching the Jesuits (*supra*, p. 391), to the time when they were berated at the council of Montreal by Indian tribes of the same parts (*supra*, p. 285), than that they had nothing at all to do with the countries, described by Johnson. During the eighteenth century, they scarcely ventured on a timid raid. And the raids of the seventeenth century, without occupation, availed nothing for possession. See *supra*, pp. 230, note 20; 253, note 2.

As to that conceit of the Iroquois native land itself having been somehow "given and rendered up" to the British king, this subject of their own country came up repeatedly in the Albany Congress, the Indians complaining of the way their land was being appropriated by squatters or spurious patentees. The number of persons engaged in that business lived chiefly in Albany; but they were so numerous there was no naming them. The Iroquois showed liberality of mind. In the case of heirs claiming under Philip Livingston, patentee of Conajoharie lands, they signified their willingness to make any surrender, which either justice or the public service required. But then they came to the king, and said sharply, that they were told "these lands belong to the king; but we were the first possessors of them: and, when the king has paid us for them, then they may say they are his" (P. R. O., 604, ff. 139, 140, 169<sup>v</sup> seq., 175, 176<sup>v</sup>). This last remark of the Indians was a very fair counterpart of what the white settlers up in Maine had said to the king's surveyor, Colonel Dunbar: If the king had a right to their lands, how did he come by his title? (*Supra*, p. 319.)

The Federal commissioners at Albany seemed rather to side with the Indians. In particular, taking cognizance of the Lieutenant-Governor's answer to the Schakook or Hudson River Indians, that, as to the lands about which these injured proprietors complained, governors had given the requisite patents for most of the districts, "when you were children, some before any of you were born," the Federal commissioners attached a minute, saying, that this point was not theirs, but "an addition made by his Honour to the draught sent him yesterday by this Board" (*Ibid.*, ff. 181-183).

The futility of all these underhand claims to possess Indian lands seems to be recognized in the map drawn up by Colonel Johnson, under the eye of his father-in-law, Sir William, in 1771. Cf. *supra*, p. 412, note 1. The map covers the greater part of what is now New York. But evidently the draughtsman did not consider it to be so then; as the letter-press shows. For instance: "The Mohocks are not mentioned, as they reside within the limits of N. York at Fort Hunter and Conajoharie. Part of the Oneida Country lies also within that Province." From between the East Branch of the Susquehanna and the Delaware on the borders of Pennsylvania and from Fort Stanwix northwards, all the country westward to Lake Erie is inscribed: "The Six Nations"; eastward, "New York." See a portion of the map, frontispiece, inset.

<sup>6</sup> See History, I. 576.

Taking, however, Johnson's classification as it is, we find that he reported 710 Indian men for the various settlements of domiciled Indians, from Oswegatchie (Presentation) down the St. Lawrence. All these we consider to be Catholic settlements. Not so clear is the prevalence of Christianity at the places ranged under the "Ottawa Confederacy," though Johnson does say of two places, Michilimackinac, and Wyandot opposite Detroit, that they were seats of a mission. Merely divining from our knowledge of the Jesuit missionary network, we may consider that the Indians at the two places just mentioned, and round about St. Joseph at the head of Lake Michigan, were largely affected with Christianity. They were Hurons, Pottowatomies, Miamis, Ottawas; and Johnson's total for these alone mounts to 1700 men. Beyond them, Johnson lost his bearings, among other Miamis and Ottawas, among the Sacs and Foxes, Illinois, Sioux, etc.; and the sketch of missionary work is not to be divined from the list, though several other organized missions lay within the limits of his Indian Northern Department.<sup>7</sup>

Three years later than Johnson, General Carleton, Governor of Quebec, reported the various settlements of domiciled Indians on the St. Lawrence as containing 900 warriors, and 3150 souls in all. Then, going farther afield, he summed up the north-western and south-western Indians of Canada, among whom we recognize the familiar names of Jesuit missions. Possibly none of the tribes were unaffected by Christianity. Thus he mentions "La Bay Indians in Lake Michigan, Monominies, Saaks, Foxes and Puants, 200 warriors. Ayoway [*Iowa*] Indians live in the south end of Lake Michigan, 400. Sault St. Mary Indians, in the entrance of Lake Superior, are Chipways, 130. Point Shagwanicon, south end of Lake Superior, Chipways, 500. Fond du Lac, or west end of Lake Superior, Chipways, 50. Caministicouja or Wasé Indians, kind of Chipways, in the same west part of Lake Superior, 150," etc. Going beyond Lake Superior, Carleton estimated the Indians at some points, where the Fathers had established missions: "Lac Laplui Indians of the Christineaux nation, about 80 leagues from Lake Superior, 300 [*warriors*]. Lac du Bois [*Lake*

<sup>7</sup> Brodhead, vii. 582-584; enumeration, November 18, 1768.—Cf. *Ibid.*, viii. 458, 459, Johnson, October 22, 1778, to Tryon; repeated in Tryon's report, *Ibid.* 452.—The sum-total of Indian souls within the Northern Department, extending westward to the Mississippi, was computed by Johnson to be 180,000 souls. He said further: "The Indians north of this province, with those lying on the River St. Lawrence, near the 45th degree of latitude, make about 8500; they are allied to and much regarded by the rest [*the Six Nations*], are good warriors, and have behaved well since they entered into an alliance with us, previous to the reduction of Canada" (*Ibid.*, 458).—Cf. *supra*, p. 385, note 1, the Latin-American reductions.

*of the Woods*] Indians, of the Christineaux nation, 140 leagues from Lake Superior, 150. Lac Wenipic Indians [*Christineaux*], 220 leagues, 250. Fort Maurepas Indians, 320 leagues, 300. Fort Dauphin Indians, 360 leagues, 250. Fort La Reine Indians, of the Christineaux and Assiniboine nations, very numerous, 390 leagues from Lake Superior." Total of the North Western Indian warriors, "4730. Proportion of women and children, 14,190." Then, proceeding to the south-west, at Detroit and the River Miami, he summed up 750 warriors, and 2250 women and children.<sup>8</sup>

In this limited sector of the territory covered largely by the old Jesuit missions, where paths, rivers and lakes had been familiar to the Fathers, Carleton's list just given, and dated for 1766 and 1767, enumerated over twenty nations, and more than 20,000 souls. The tribes in the settlements on the St. Lawrence, as we gather from both Carleton and Johnson, were those of Mohawks at Caughnawaga; Iroquois, Adirondacks or Algonquins, and Nipissings, at the Lake of the Two Mountains (Oka); Abenakis at St. Francis; Algonquins (Shaghquanoghrinos) at Three Rivers; Hurons at Lorette; Onondagas, Oneidas and Abenakis at Oswegatchie.<sup>9</sup>

§ 193. Twelve years later (1779), in the height of the Revolutionary War, General Haldimand spoke of these Indians, who were then under the superintendence of Lieutenant-Colonel Campbell, as the "seven savage villages of Canada"; and again "the seven nations, Indians of Canada;" with the addition, he said, of "some Mohawks, who have resided here since their country was destroyed" by the American revolutionary forces, with the aid of Oneidas as well as Tuscaroras, resident in the cantons.<sup>1</sup>

The "seven  
savage  
villages of  
Canada."

In this connection Haldimand made a remark, which showed why the Indians of the Canadian settlements had to be treated by the English government with the utmost consideration and delicacy. It was necessary, he said, to support with active assistance the Mohawks, Onondagas and Cayugas in the cantons, who remained faithful to the British interest; yet during three years he had been unable to do so, in view of the enormous expense; and this inefficiency, alarming

<sup>8</sup> P. R. O., *Canada*, 1785, No. 519; list for "1766 & 67."

<sup>9</sup> "Swegachy Indians, a mixture of Onondago, Oneida, and Abinaquis: 800 souls, 60 warriors. St. François or Abinaqui Indians, emigrated from the Mohikan tribes in the provinces of New York and New England: 900 souls, 250 warriors" (Carleton, *loc. cit.*).

<sup>1</sup> Six years earlier, the Mohawks in the cantons had numbered 406 souls in all (Brodhead, viii. 458, Sir W. Johnson, October 22, 1773, to Tryon).



the Canadian Indians, had not indeed "shaken their fidelity" to the British Crown; but, he added, "I have not a doubt that, unless a well-timed assistance may prevent it, they [*the Indians of the Canadian settlements*] will be forced into a neutrality [*as betwixt English and Americans*], which with Indians is little better than a declaration of war against the weakest party."<sup>2</sup> The Catholic Indians were evidently not a nonentity in British political counsels.

Four years afterwards (1783), John Campbell, Indian superintendent, catalogued minutely seven settlements, of which we give the respective total populations: Caughnawaga, 612; Lake of the Two Mountains, 754; St. Regis, 380; St. Francis, 342; Lorette, 103; Oswegatchie, 101; Carleton Island, 582; grand total, 2874.<sup>3</sup>

When, at a date thirteen years later, the commissioners of the Scots Society for Propagating Christian Knowledge visited the remains of the Six Nations, they reported 3298 as residing in the United States. Not a Mohawk was left, 300 being in Canada; and, of the Cayugas, 40 were left, 460 being in Canada. The Senecas were more than half of the total population in the cantons.<sup>4</sup>

During the century that followed, many movements and migrations took place in the direction of the west. The Smithsonian report for 1907 says of the Catholic Iroquois at Caughnawaga, St. Regis and Oka, that, becoming recruits to the fur trade, a large number of them settled permanently among the north-western tribes of the United States and Canada. Of those that remained in the older territory, not to mention over 6000 Iroquois in Ontario, the numbers of the same nation in three old classical settlements are given for 1907 in these terms: "Iroquois of Caughnawaga, 2074; of St. Regis, 1426; of Lake of Two Mountains, 383. Total [*of the Iroquois*] in Canada, 10,418." In another part of the same report it is said, "Caughnawaga, St. Regis, and Lake of Two Mountains still exist as Catholic Iroquois mission towns; the two first-named being the largest Indian settlements north of Mexico."<sup>5</sup>

Migrations,  
and actual  
condition,  
1907.

Soon after the successful invasion of Canada, the Jesuit provinces

<sup>2</sup> P. R. O., *Quebec, Entry-Book*, 377, No. 29; September 13, 1779.

<sup>3</sup> *Ibid.*, *Canada*, 518: "Number of the clergy . . ., and Return of the Indians, inhabiting the seven villages in the settled parts of the Province, the 7th of July, 1788."

<sup>4</sup> *Mass. Hist. Soc. Coll.*, 1st series, v. 23; 1794.

<sup>5</sup> Smithsonian, *Ethnology*, bulletin 80, i. 618, 619, 878.—This elaborate work of the Smithsonian Institution merits the highest commendation. Though treating so largely of an almost extinct order of things, it has the variety, freshness, and interest, not to mention the exhaustive erudition, which would commend the most live of actual questions.

in France were dispersed (1761-1764); and, in 1773, the total suppression of the Order ensued. In the official despatches from Canada which, during the rest of the eighteenth century, were remarkable for the prominence given to questions about priests and nuns and their property, it was to be expected that the Jesuits, their numbers and property, should come to acquire a foremost place. The habit of the official mind showed no want of will to second the most ardent desires, political and ecclesiastical, for the destruction of the whole Catholic organization, and for the right of succession to the property of the Church, her Orders and missions.

Suppression  
of the Jesuits,  
1773.

In the year 1784, Francis Baby, adjutant-general of militia, reported four Jesuits within the province of Quebec, and no lay brother left of the Order.<sup>6</sup> Then he proceeded to note 99 priests and curates. Of nuns there were 60 Ursulines, 64 of the Hôtel-Dieu, 50 of the General Hospital, 60 of the Congregation.<sup>7</sup>

In 1785, General Haldimand recounted what was being done to take over the Indians to Protestantism. It looks like a tentative repetition of the tactics used with the Iroquois, eighty years previously; but the matter was handled with softer gloves. Besides the schoolmaster Taswell at Quebec, with £100 a year from the government and pensions from the scholars, there had been at Montreal the Rev. J. Stewart, schoolmaster, enjoying the same terms. The school having been divided about two years before, half of Stewart's government salary was apportioned between Messrs. Fisher and Christie. But, to use the words of the official abstract, "Christie turning profligate and having absconded," Haldimand had Christie's £25 at his disposal, and agreed with the chief, Joseph Brant, a well-educated Mohawk Episcopalian, to place the Rev. Mr. Stewart as chaplain at the new settlement of Cataracqui (Fort Frontenac). The despatch continues: "He [*Brant*?] has great influence with the Mohawk Indians, to whom he had been the missionary; and he thinks great benefits may arise from this arrangement."<sup>8</sup>

The small residue of old Jesuit missionaries was disappearing.

\* "*Quebec*:—Father Augustin Louis de Glapion, Superior, confessor of the Hospitalières. Father Jean Jos. Casot, assistant procurator, confessor Hôtel-Dieu. *Lorette*:—Father Etienne Thomas-de-Villeneuve Girault. *Montreal*:—Father Bernard Well" (A. E. Jones, S.J.).

<sup>6</sup> P. R. O., *Canada*, 518; October 28, 1784.

<sup>7</sup> P. R. O., *Canada*, 518, *précis* of despatch, April 8, 1785.—The sister of Brant, a full-blooded Mohawk, was Sir William Johnson's squaw.—For Stewart's movements, cf. O'Callaghan, iv. 514-517. He was a Pennsylvanian, in the service of the S.P.G.

The last pastor of the Abenaki settlement remained there till 1779; the last missionaries at Caughnawaga died in 1779 and 1783; the last at Lorette, in 1794. In 1791, the Iroquets and Nipissings lost their last missionary, who died at Montreal. The Ottawas, whose principal missions had been at Sault Ste. Marie, betwixt Lake Superior and Lake Huron; at St. Esprit, near the western extremity of Lake Superior; and at St. Francis Xavier, Green Bay, in Lake Michigan, were deprived of their two last missionaries, both dying at Quebec of age and infirmities, in 1776 and 1780. Among the Hurons at Sandwich, opposite Detroit, the missionary Father Potier was found dead (1781), having fallen and broken his skull.<sup>9</sup> The succession, however, to Jesuit missionaries at the settlements on the St. Lawrence was secured and maintained by Catholic priests. The Sulpicians had long been missionaries in the eastern country of the Abenakis, and were pastors at their seigniory of the Lake of the Two Mountains (Oka). These and other members of the Canadian clergy continued to serve the settlements.

But, at the beginning of the twentieth century, Caughnawaga came back to the hands of the Jesuits (1903). It was a village or town of primeval and secluded happiness, the homes of the simple people being gathered round their church. From a lofty niche in the gable end of the edifice a statue of the Immaculate Virgin smiled upon them, looking towards the broad St. Lawrence, with Lake St. Louis stretching away to the left, and the Lachine Rapids foaming to the right. Here the returning Jesuit, Father Granger, was adopted into the tribe with solemn ceremonies, receiving as an Iroquois the name which Father Jogues had borne, Kenwenteshon, or "The day that knows no waning."<sup>10</sup>

A twentieth-century Jesuit Iroquois.

<sup>9</sup> Fleck, pp. 45, 46.—Rochemonteix, *xviii*, ii. 64.

<sup>10</sup> *Woodstock Letters*, *xxxiv*. 61, *seq.*; *xxxv*. 91, *seq.*—In the mortuary list which we have just given of the decaying missions, we have noted 1776 as the earliest date for the extinction of one by the death of the Jesuit missionary (Le Franc). This was three years after the total suppression of the Order. From a tableau of the ex-Jesuit status in Canada for that year, communicated to us by Father A. E. Jones, we take the following points:

1776.

*Quebec.* Three Fathers, A. L. de Glapion, superior-general, P. Du Jaunay, J. J. Casot, and one Brother, J-B. P. Demers. Among these, Du Jaunay had returned, in 1767, from his mission among the Ottawas at Arbre Croche, not far from Mackinaw (Michilimackinac). He died at Quebec, July 16, 1780.

*Montreal.* Fathers P. R. Floquet, superior; and Bernard Well, in charge of St. Henri de Mascouche, where he may have been serving the Iroquets and Nipissings; for he is the only one who answers the description given above of their last missionary. He died in Montreal, 1791.

*Hurons at Lorette.* Father E. Thomas-de-Villeneuve Girault. This Father was

§ 194. Iroquois adoption is reserved to-day for the pastor and distinguished personages. In former times, prisoners were adopted; and thus white blood entered into the native veins. Pure bloods Divers names of the Iroquois at Caughnawaga betray and mixed. this origin. They are such as Terbell, Rice, Williams, Hill, Stacey, McGregor, etc. But some individuals claim that they have never been tainted by the blood of the white race; just as natives of Mexico, however poor, boast of their being pure bloods, and meet with the same personal regard for their virtue without wealth, as the upper thousands in a metropolis of our own may receive for their wealth without virtue. Experience shows, nevertheless, and

for a long time missionary at La Jeune Lorette. He died at Quebec, October 8, 1794.

*Hurons on Detroit River.* Father P. Potier (Sandwich, Amherstburg). With the exception of one year spent with Father Richer at Lorette, studying the language, he passed all his time, from 1743 till the day of his death, at L'Assomption-des-Hurons, on the Detroit River; where he died, July 17, 1781.

*Iroquois Missions.* Father A. Gordan (or Gordon), at St. Regis; and the first part of the year, at St. Eustache, Rivière du Chêne. Father Joseph Huguet, at Sault St. Louis, or Caughnawaga.

The former of these, Gordan, spent nearly thirty years of his life in the Iroquois missions. Daniel Claus, agent of the Six Nations, writing to Haldimand (Montreal, March 11, 1784), told of Gordan's having established the mission of St. Regis, to withdraw Indians from the occasions of drunkenness, which vice was ravaging the Sault (Can. Arch., Ottawa, B, 114, p. 807). He also gathered into his mission the Indians of Oswegatchie (La Présentation) and the Ile-aux-Gallops, the abbé Piquet having returned to France when Canada was taken by the English. Like the other Jesuit missionaries, Gordan transferred his allegiance to the English; and both Colonel Campbell and Haldimand expressed their sentiments of regret and respect, at the decease of the Father. "He is a very great loss to Government," wrote Campbell. (*Ibid.*, report for 1887; Haldimand *Coll.*, p. 120, B. vol. iii. p. 100.) Gordan died at Montreal, June 30, 1779.

The latter, Huguet, spent all the twenty-five years of his sojourn in Canada, working among the Iroquois Indians of the Sault. He died, May 6, 1783, at the age of 58, having been 39 years in the Society.

*Abenakis.* Father Charles Germain, at St. François-du-Lac. He had devoted his life to the Abenaki Indians, both "*vers la mer*" (in the maritime provinces) and on the St. Lawrence, at Lake St. Peter. Transferred to St. François, he died, August 5, 1779. Active as he had been in co-operating with the French colonial government, he became just as faithful to the new masters of the country. Receiving a regular salary from them, he expended it on the mission; until, political events becoming critical, and so too his control of the Indians, he dropped the responsibility and the salary also.

*Montagnais, etc.* Father J-B. de la Brosse, principally at Ile Verte and Sept-Iles, during the year 1776. He had spent some part of his first twelve years (1754-1766) in the Abenaki missions. Then he became a great figure on the Lower St. Lawrence, with headquarters at Tadoussac, attending a vast number of centres. This last missionary of the Saguenay died April 11, 1782.—*Cf. supra*, p. 354.

*Illinois.* Father S. L. Meurin, at Prairie du Rocher. He was not only the sole survivor of the old Louisiana missionaries, but for a long time the only missionary in what was then the Far West. See Thwaites, lxx. 228, 270, 290. His touching correspondence with Briand, Bishop of Quebec (1767-1777), may be seen in Carayon's edition of Watrin's *Banissement des Jesuites* (Paris, 1865, pp. 58-102). He died at Prairie du Rocher, Kaskaskia settlements, August 13, 1777.

Deceased in this same year, May 25, 1776, Father M. L. Le Franc. He had spent some dozen years in the Ottawa missions of Lake Michigan. His last entry in the Michilimackinac register appears, July 13, 1761.

we have daily proofs of it before our eyes, that the mixture of native and white races has been conducive to a specifically fine type of intelligence.<sup>1</sup>

There were several lines of attraction which drew whites away from their own manner of life, and merged them by adoption in the Indian population. The first, which we take to be of the smallest consequence in the number of whites estranged, was the

Attractions of the woods for whites. attraction that appealed to the trapper and *coureur de bois*. The mere wildness and charm of the woods carried them off. Sir William Johnson himself, living with an Indian squaw and amid Indian conditions of life, might almost be ranked in this class. There is no reason to disparage such adventurers. They gave their witness that a corrupt and corrupting civilization had not extinguished in themselves, at least, the original fund of natural perceptions and of appreciation for the riches of nature. In relation to Iroquois intelligence, we have already adverted to the lesson which St. Thomas Aquinas draws from a sacred passage, about the excellence of what is learnt direct from the wisdom of God poured out over all His works. It was the greatness and beauty of creation which made Indians in America, Romans in Europe, Assyrians in Asia, imagine that nature was full of gods ruling the world; albeit, says the sacred writer by way of excuse, perhaps people were only "seeking God and desirous to find Him," the true God, in all this profusion of beauty and goodness.<sup>2</sup>

Attractions of Catholic Canada. The two chief lines of attraction, which appear within our field, were in the direction of Indian Christianity and Canadian civilization. It is not always easy to distinguish whether a particular trend was towards the domiciled Indians or towards the French Canadians. But the general current was clear.

Well known is the case of Eunice Williams, daughter of the Rev. John Williams, whose entire family had been captured in the assault by the French Indians on Deerfield. She became a Catholic, the wife of a Caughnawaga chief, the mother of Mohawk children. It is worthy of note that the name Williams is one of those borne

<sup>1</sup> In the ecclesiastical seminary for Central and South America, the Collegio Pio Latino Americano, Rome, where well-nigh 200 students pursue the higher studies of philosophy, theology, and canon law, there has always been a proportion exhibiting the blending of races, and the intellectual result. However, some of the aboriginal stocks possessed an advanced civilization of their own, when Mexico and Peru were first discovered. Others have long been under the influence of a benign white civilization.

<sup>2</sup> Ecclesiasticus i. 19. Wisdom xiii. 1-6.

by the Mohawks of Caughnawaga to-day. Dressed as an Indian squaw, Eunice came to visit her old Puritan friends at Deerfield. From thence, says Bancroft, "in spite of a day of fast of the whole village, which assembled to pray for her deliverance, she returned to the fires of her own wigwam, and to the love of her own Mohawk children."<sup>3</sup>

Speaking of her and of the new civilization which she had adopted, the editors of the *Massachusetts Historical Society Collections* delivered themselves in 1879 as follows: "No entreaties would prevail with her to resume a civilized life. She was one among very many of those born in New England in Puritan families, as well as of a much larger number of the French, who were so fascinated by the charms of a wild life with the natives in the woods as to renounce their own race and home. A more famous example of this 'reversion' was that of Mary Jemeson, the so-called 'White Woman.' Competent authorities tell us that in all the relations, peaceful or hostile, between Indians and Europeans on this continent, more than one hundred of the whites have been Indianized to each single Indian who has been civilized."<sup>4</sup>

A Massachusetts comment on the phenomenon.

This statement of the Massachusetts editors is neither precise nor adequate. There is a mistake in the subject, when they speak of Eunice Williams; there is confusion in the idea of civilization; and a total miscalculation in consequence.

The lot of Eunice was cast, not in "a wild life with the natives in the woods," but in the Indian civilized life of Caughnawaga, having the charms, indeed, of the forest, but not the savagery. We have heard Father Chauchetière compare the life and organization of Indian women there to that of Ladies of Mercy in France.<sup>5</sup> In all New England there was not a shadow of an institution which could merit such a comparison.

The civilization, which the editors are thinking of, is evidently that of reading and writing; of arts forced upon the Indians; and of institutes planted among them to deface and distort the native character.<sup>6</sup> On the assumption that such sleeveless culture is

<sup>3</sup> Bancroft, iii. 218, 214.

<sup>4</sup> *Mass. Hist. Soc. Coll.*, 5th series, vi. 374, 375, note of editors to S. Sewall's *Diary*, March 26, 1718; who says that the husband of Eunice Williams was "probably named De Rogers."

<sup>5</sup> *Supra*, p. 405.

<sup>6</sup> Compare Sir W. Johnson, corresponding with Inglis on the memorial of the latter (*supra*, p. 412, note 1). He wrote: "In the plan for the Indians conversion, I cannot think it safe to admit either husbandmen or mechanics" (O'Callaghan, iv. 465, 466; Johnson, September 28, 1771, to Inglis).

civilization, they might safely have been more liberal in their assertion, and have said that as many as one thousand whites have been Indianized to each single Indian who may have been so civilized. Chauncy, Mayhew, and all the protagonists of the Propagation societies, admitted the utter futility of such civilization. The idea was on a level with the verse, in which the Rev. John Danforth encased for posterity the wisdom of the immortal "Mr. Eliot's hints, respecting the best means of gospelizing the Indians."<sup>7</sup>

But, if the editors had spoken of genuine civilization which proceeds from Christianity, and of Indians civilized as Indians, not denaturalized into a mongrel breed, their miscalculation could have been rectified, and their statement might with justice be reversed, for both North and South America. One hundred of the natives, perhaps a thousand, have been Christianized and civilized as Indians for each single white who has been Indianized. Not only the facts show this; but the theory itself of Indian management in the United States has, since those editors wrote thirty-five years ago, veered round to the sane and natural policy which underlay the success of missionary work.<sup>8</sup>

True proportions of Indianizing and civilizing.

§ 195. To explain, however, those attractions, the nature of which and the results were so misapprehended by the Massachusetts editors, we place on record some characteristic instances of the forces at work. They may serve to mitigate the poignancy of regret with which Puritan generations have beheld the leakage of choice New England souls in the direction of Indian and Christian Canada. "I wonder'd," exclaimed Rev. John Williams, "that they were so fond of a faith propagated and then maintain'd by a lie."<sup>1</sup> He was

<sup>7</sup> "Address, I say, your senate for good orders  
To *civilise* the heathen in your borders.  
Virtue must turn into necessity;  
Or this brave work will in its urn lie.  
Till *agriculture* and *cohabitation*  
Come under full restraint and regulation,  
Much you *would* do you'll find *impracticable*,  
And much you *do* will prove *unprofitable*.  
In common lands that lie unfenc'd, you know,  
The husbandman in vain doth plow and sow.  
We hope in vain the plant of *grace* will thrive  
In forests where *civility* can't live."

(*Mass. Hist. Soc. Coll.*, 1st series, ix. 176, note.)

This last hit about "grace" and "civility" bears rather hard on Lord Bellomont and his administrative succession.

<sup>8</sup> Cf. F. E. Leupp, formerly U.S. Commissioner of Indian Affairs, *The Indian and his Problem*, 1910.

<sup>1</sup> Williams, p. 73.—This persistent and shiftless imputation of the lie, welling up from even good people's hearts, and never availing to make anything false that was

the father of Eunice. Leaving her behind him, and destined to become, in spite of himself, the grandfather of Catholic Mohawks, he returned from his captivity in Canada (1703-1706) full of fears for ever so many English who would not return, but became Papists instead.

In the first place, Catholic Canada imposed no penalty on any one for being a Protestant. And liberty itself had charms for the oppressed of preacher-ridden New England. Samuel York, a carpenter, who had been ten years in captivity, <sup>The charm of Canadian liberty.</sup> gave a grand description to Lord Bellomont of the fine times which he had enjoyed in the service of the Canadians, all round the Great Lakes. He could not write his name. But he made no mention of his illiteracy or his Protestantism having occasioned him the least annoyance in the course of ten years.<sup>2</sup> English children did not want to be withdrawn from Canada. They cried and hid themselves. Schuyler and Dellius reported that, finding themselves and their offers of liberation rejected point blank by "all the English prisoners of both sexes, in the convents and among the town's people" at Montreal "(except two or three)," they resorted to the very ungentlemanly trick of "demanding the children of fourteen years and under." Frontenac said of the envoys' discomfiture: "They would have carried back very few, had regard been paid to the tears of a number of children, who were not considered of an age to qualify them for choosing their place of residence."<sup>3</sup> He meant, choosing their religion, and an abode which flourished with the fruits of religious virtues.<sup>4</sup>

These things were happening at the same period when Beauharnais, Intendant of Finance, informed the French minister that he was helping with 2000 livres of the king's money "the poor English Catholic men and women, whom love for religion retains in this country."<sup>5</sup> And the Chevalier de Villebon, Governor of

true, illustrates what Bacon says: "It is not the lie that passeth through the mind, but the lie that sinketh in, and settleth in it, that doth the hurt. . . . Truth, which only doth judge itself, teacheth that the inquiry of truth, which is the love-making or wooing of it—the knowledge of truth, which is the presence of it—and the belief of truth, which is the enjoying of it—is the sovereign good of human nature" (*Essay, Of Truth*).

<sup>2</sup> Brodhead, iv. 748-750; September 2, 1700.

<sup>3</sup> *Ibid.*, 351, Schuyler and Dellius, report to Bellomont, July 2, 1698.—*Ibid.*, ix. Frontenac's narrative, 1697, 1698.

<sup>4</sup> Had Frontenac known the spirit and letter of William III.'s anti-Popery law, he could have chosen to call them the Catholic children of Protestant parents; and dangle before them a premium, were that necessary, to keep them firm in their independence (*supra*, p. 166).

<sup>5</sup> *Ibid.*, ix. 741, Beauharnais, November 11, 1702, to Pontchartrain.



Acadia, represented that Irish priests ought to be obtained and placed at Pentagouet, for the sake of "the Irish Catholics who are at Boston, and who, not being well treated, would make up their minds much the more easily to come among us."<sup>6</sup>

In the second place, besides throwing off shackles, people felt an attraction towards Catholicity, when they were free to see and think for themselves. This attraction became concrete **The charm of Catholicism.** in an affection either for their Indian captors or for the French Canadians. The play of such an influence at work is shown in the notary's minutes and other reports, about an exchange of prisoners, negotiated in July, 1750.

Governor Clinton of New York, not a little out of humour, gave to the Duke of Bedford the net results of the attempted exchange. "We have received," he wrote, "twenty-four from Canada, and they thirteen from us. But there is this difference, that we have sent back all the prisoners; and they have persuaded thirteen of ours to change their religion, and to declare that they are not willing to return."<sup>7</sup>

Coming to the particulars, we observe that four of the British prisoners desired to remain with the Iroquois of Sault St. Louis; four with the Iroquois and Nipissings of the Lake of the Two Mountains (Oka); one with the Abenakis of St. Francis; two with the Hurons of Lorette, one of them being already married to a squaw. Rachel Quackenbos simply insisted on remaining in Canada. A negro, Samuel Frement, was not delivered. In this wholesale defection of the British, whose names, however, are predominantly Dutch, the religious and moral motives were express and significant. John answered Lieutenant Stoddert, New York envoy, "that he would not return to New England, and that he wished to remain with the Abenakis of St. Francis, where he had been instructed in the Catholic, Apostolic and Roman religion, in which he wished to live and die." Another, apparently with the Hurons of Lorette, stated: "He prefers being a slave with the Indians, than in his country, where there is no religion." A third, seemingly of the

<sup>6</sup> Blanchet, ii. 390, Villebon, Fort St. John, October 27, 1699, to the Minister.—This matter of the Irish had been touched upon by Governor Dongan, presumptive Earl of Limerick; who explained to the English Government that Irish might be allowed to come over with his nephew and settle in America. The reason may have been the same why he himself was in America, that their property had been confiscated. (Brodhead, iii. 429, to the Lord President.) Among the ten Catholics, reported nine years later for the city of New York, we find half of them with Irish names (*Ibid.*, iv. 166; June 18, 1696).

<sup>7</sup> Brodhead, vi. 578, 579; Fort George, July 30, 1750.

Lake of the Two Mountains, said that he had embraced the Catholic religion, "which is the strongest reason." But he had other reasons: "He hated too strongly the English nation, where he was almost a slave, to give up his religion and his liberty." Besides, his elder brother (Jacob Volmer) was going to stay with the Iroquois and Nipissings, who were unwilling that any of the four prisoners should leave at any price whatever, "as they [*the Indians*] love them [*the prisoners*] very much."<sup>8</sup>

A few years afterwards, Governor Shirley of Massachusetts demanded of Duquesne some English children, taken by Indians in the eastern part of the province, and "sold to French at Montreal." Duquesne replied that he would do what he could in the premises; but the children were not prisoners of war.<sup>9</sup>

So ominous was the prospect, ten years after Canada had become British, that the Rev. Dr. Andrew Eliot of Boston described the Popish interest as gaining ground "amazingly." He was told this by a "gentleman of character" from Canada, who said that, "since his arrival [*there*], the Papists are insolent, refuse their churches to the Protestants, which these had freely used before. Instead of our gaining proselytes *from* them, great numbers (disbanded soldiers and others)

A preacher  
and a lawyer  
on the situa-  
tion.

<sup>8</sup> Brodhead, x. 210, Marquis de la Jonquière, Governor of Canada, July 16, 1750, to the French minister, De Rouillé.—*Ibid.*, 211-216, the same and his assessors, with the English envoys, Lieutenant Stoddert and Captain Van Schaick, June 28-28, all subscribing the *procès verbaux*, and general return.

The minute says: "In regard to Samuel Frement, a negro, in the service of Sieur de la Corne St. Luc, lieutenant of infantry, we have ordered that he remain in the colony, all negroes being slaves, in whatever country they reside" (*Ibid.*, p. 213). This reason was advanced seriously by La Jonquière. But, he added, it was put forward in retaliation, the English themselves in 1747 having refused to surrender a negro servant "on the same ground, that every negro is a slave, wherever he happen to be" (*Ibid.*, 210). This theory was at variance with the legal opinion which came to prevail in England from Mansfield's time (*supra*, p. 120, note 15). It was at variance with Spanish practice. Lieutenant-Governor Purcell of the Virgin Islands having lodged a complaint about runaway slaves with the Governor of Porto Rico, Philip Remires, was answered in these terms: "All the slaves who escape here come to embrace the Roman Catholick religion, as these six last (that you now demand) have; and, after their being asked if they come with that intention, and they answer in the affirmative, they are absolutely free at the expiration of one year; and, during which time, they are under the tuition of proper persons, to instruct them in the rudiments of our religion, and give them the holy water of Ba[p]tism." Remires affirmed, that so had it been, "as your Honour knows, in all like cases in times past." But Governor Thomas of the Leeward Islands, forwarding a copy of this answer to the Lords of Trade, said dismally, that the practice was worse for the Sugar Islands, than if the King of Spain waged a perpetual war. (P. R. O., B. T., *Leeward Islands*, Bb. 81, Nos. 7, 8, Remires, Porto Rico, October 1, 1753, to Purcell.—Thomas, February 6, 1754, to Bd. Tr.) Thomas Dongan, Catholic Governor of New York more than sixty years before, seems to have acted on the very same principle as the Spanish Catholic Governor of Porto Rico. See *supra*, p. 121, note 16.

<sup>9</sup> P. R. O., 564, *Mass.*, B. T., to Holderness, December 19, 1753, copy of Shirley to Duquesne.—*Ibid.*, 565, Duquesne, Montreal, December 1, 1753, to Shirley.

are gone over to them; and discouragements are thrown in the way of those who would renounce Popery." Eliot proceeded to asperse the British Court itself for "secret influence" in favour of the Romish Church; and he shivered at the apprehension of some terrible effect which might ensue.<sup>10</sup> He was not mistaken in the forecast. The American Revolution was only six years distant.

The facts, to which Eliot referred in 1770, were confirmed two years later in the long report, drawn up by Sir James Marriott, Advocate-General, on a Code of Law for the Province of Quebec—a report most characteristic from first to last for the legal sophistry, by which the name of Catholic would be left to French Canada, but all the substance of Catholicity should be destroyed. Having mentioned two garrisons at Montreal and Quebec, he said, "The chaplains of the four regiments do not attend them; the consequence of which is, that the common men become almost immediately converts to the Romish religion." From this we infer that the British soldiers too profited by the free air of Canada.<sup>11</sup>

<sup>10</sup> *Mass. Hist. Soc. Coll.*, 4th series, iv. 448, 449, A. Eliot, Boston, February 1, 1770, to T. Hollis, England.

<sup>11</sup> *Brit. Mus. MSS.*, 26,052, Marriott's MS. of "Report on a Code of Law for the Province of Quebec, 1772" (ff. 78); printed volume, p. 237. How law fares with such limbs of the law may be illustrated by a note of Marriott's to a paragraph of his own, which stands erased, f. 70<sup>v</sup>, of his MS., "I struck this out to please Maseres. It did not suit his scheme, as I have found since." In the printed volume, pp. 262-286, may be seen an Appendix II.: "Proofs and Extracts relating to the Constitution of the Society of Jesuits, annexed to the letter of the Attorney and Solicitor-General." It is altogether worthy of its sources and its sponsors. Not but that Jesuits themselves are quoted; as, for instance, in the following passage, which could not be more deftly selected to show that attorney, solicitor, and advocate-general did not understand Latin—if we may not tax them with something else throughout: "Father Layman, in his book called, *Censura Astrologiæ Ecclesiasticæ et Astri Inextincti*, makes his own Order to constitute of itself a Church (*Censura*, i. p. 78): *Cum manifestum sit in Societate nostra membra ejus omnia, sub uno generali capite constituta et gubernata, unius Ecclesiæ corpus constituere*" (*Ibid.*, pp. 280, 281). This logic of falsification, if applied to any other corporation like a bank, would yield the following: The president of this bank makes his own corporation to constitute of itself a State, saying, "Since it is manifest that, in our corporation, all its members, being under one general administration, constitute a corporation of the one State."

As to Francis Maseres, Attorney-General of Quebec, to whose tune Marriott said that he was dancing, his productions were of the same kind. Governor Carleton rid the province of him, by granting him leave of absence, and desiring the home authorities to provide the gentleman with a post in England, for his anti-Popery. Then, Maseres became the London agent of the "publicans, butchers and taylors," who were plotting in Canada a Stamp Act revolution, in harmony with that of the Americans. A long paper of his, in the Fulham Palace Archives, would be altogether worthy of Marriott; as Marriott's is of Maseres. (P. R. O., *Quebec*, I., *Entry-Book*, 375, Nos. 24, 28, Carleton, October 3, 1769; March 28, 1770.—*Ibid.*, *Quebec II.*, *Entry-Book*, 376, pp. 115-131, Cramahé's despatches, *passim*, December 13, 1773-July 15, 1774.—Fulham Pal. Arch., Maseres, May 28, 1768, to Rev. Mr. Majendie, London, 78 pp., 4to.—*Hist. MSS. Commission*, 5th Report, i. 232, Maseres, August 9, 1775, to Shelburne.—And so *passim*.)

The regime of terror, introduced not only into logic and law by such men, but into peaceful and happy Canada by the diminutive swarm of adventurers who

§ 196. A fitting close to the drama of the Iroquois may be supplied by onlookers who, judging by their lights, have essayed to explain such missionary phenomena as have been repeated in collateral experiences all over the world.

The first place, directly on our subject, is due to the Rev. Mr. Barton, Episcopalian missionary at Huntingdon in Pennsylvania. Writing in 1756 to the secretary of the London Propagation Society, he said among other things: "While the French were industrious in sending priests and Jesuits among them [the Indians], to convert them to Popery, we did nothing but send a set of abandon'd profligate men to trade with them; who defrauded and cheated them, and practis'd every vice among them that can be named. . . . Others [of our escaped prisoners] observe that they [the Indians] crossed themselves every night and morning, and went to prayers regularly; that they often murmured and said: The English, it was true, had often made them trifling presents; but that they took care they should never carry them many miles, before the traders came after them, giving them only a little rum in return; whereas the French always paid them well for their skins, etc.; built houses for them; instructed their children, and took care of their wives when they went to war."<sup>1</sup>

The Rev. Jonathan Boucher, whom Hawks calls "one of the brightest ornaments of the Maryland clergy," gave his mature opinion, long after the foregoing events.

He quoted Mickle for the statement: "The customs and cruelties called themselves British "old subjects," was vividly described by Governor Carleton; who continued: "A trading Justice was likewise a new practice, no ways likely to make the Canadians relish British government. There was not a Protestant butcher or publican, that became a bankrupt, who did not apply to be made a Justice. They cantoned themselves upon the country, and many of them rid the people with despotic sway, imposed fines which they turned to their own profit, and in a manner looked upon themselves as the legislators of the province" (P. R. O., as above, 875, No. 32, April 25, 1770). Some names of the heroes transpire in Cramahé's despatches, just cited. They begin with "McCord, a North of Ireland man, a retail dealer in spirituous liquors."

Of this small body, which was said in the House of Commons to be 800 in number among a Catholic population of 150,000 Canadians, and which with its justices and juries helped to represent British rule in Canada, Lord North told the House in 1774 (June 10), that Canadians could have but a bad opinion of English juries, when a grand jury there had represented the Roman Catholics as a nuisance; and, as to the clamour that only English laws, to be foisted on the French province, could make this handful of British Protestants feel secure, the Prime Minister went on to say: Let gentlemen recollect that British merchants trade to all parts of the world, and think their property secure in Portugal or Spain, where they know the Catholic religion is the religion of the land. (*Amer. Archives*, 4th series, i., col. 207, seq., on the Quebec Bill.)

This sensible observation agreed no more with the sentiments of the little gang in Canada, than with those of the great American Congress later on in the same year, 1774. See *infra*, p. 596.

<sup>1</sup> Perry, *Fa.*, 279, Barton, November 8, 1756, to S.P.G.

of many American tribes still disgrace human nature; but in Paraguay and Canada the natives have been taught to relish the blessings of society, and the arts of virtuous and civil life." Yet Boucher reported that almost all French writers inveighed bitterly against the republic of Paraguay, because the Jesuits had emancipated natives by means of Christianity; while the same writers were preaching the emancipation of African slaves, with the intent that the negroes should be left in the franchise of their fetichism. After a classification of different nations in respect of their gentleness and indulgence towards backward races, the Spaniards being placed first, the French next, the English third, and the Dutch last, Boucher went on to make an unkind observation: "The remark," he said, "is not an uncommon one, that persons most clamorous about liberty are in general (on a comparison with others) most apt to be domineering and tyrannical in their private characters; for the same reason, I suppose, that even tyrants, who have always been despots, are sometimes found to be indulgent, whilst none are more apt to be insolent and tyrannical than those who, having been slaves, suddenly become possessed of freedom and authority over slaves."<sup>2</sup>

In our own times, observers have not been less curious to explain world-wide phenomena corresponding with those of the Christian Iroquois. Lord Bryce has said (1902): "It is worth  
Bryce.

remarking that in respect, if not of their practical treatment of the backward races, yet of their attitude towards them, Roman Catholics have been more disposed to a recognition of equality than have Protestants. The Spaniard is the proudest of mankind. He treated the aborigines of the New World as harshly as ever the Teutonic peoples have done. But he does not look down upon, nor hold himself aloof from the negro or the Indian, as the Teutons do. Perhaps this may be owing to the powers of the Catholic priesthood, and the doctrine of Transubstantiation. An Indian or a negro priest—and in Mexico the priests are mostly Indians—is raised so high by the majesty of his office, that he lifts his race along with him."<sup>3</sup>

At the same time, Professor Gregory, in his book on *The Foundation of British East Africa*, wrote: "With the characteristic irony of Uganda politics, the Catholics were for  
Gregory. 'complete religious liberty,' and the Protestants were against it."

<sup>2</sup> Boucher, pp. 88, 84, note; 186, note.—He makes a peculiar remark, that North American Indians call English alone "White Men," whereas Frenchmen are Frenchmen; and Spaniards, Spaniards. The reason alleged seems plausible, that the Indians were "nice and accurate observers." In other words, the face of one from the overcast, sunless British Isles was not embrowned. (*Ibid.*, 29, note.)

<sup>3</sup> Bryce, Romanes Lecture, Oxford, June, 1902.

There were too many conversions to Catholicity of the chiefs in districts assigned to Protestantism; and the English missionaries meant to stop the movement by striking the native converts with forfeiture of property and position—as had been done in Great Britain from Elizabeth down to the Georges, and under the very same pretext put forward from Herod's and Nero's time to that of the American colonies, that it was a political question, not religious. Then followed the scandal of Captain Lugard; the report of Captain Macdonald; the suppression of the report, and indemnification of the Catholics by the British Government; or, as the author, irritated at the business, expresses himself, the undertaking of the British Government to pay "the exorbitant demands of the Catholics."

Again, at the same time, Mr. Sargent, Director of Education in the Transvaal and Orange River Colonies, announced the failure of the Protestant sects, in spite of good beginnings; and, recounting his experiences in Rhodesia, Australia, the <sup>Sargent.</sup> United States and Canada, he noted the stability of work which marked regular Orders of the Catholic Church, their self-adaptability to local surroundings, and their reproductive growth.<sup>4</sup>

In Canada, the management of the Indians by the British Government elicited much comment on the part of Americans (1902), who wondered why the natives had not enjoyed similar prosperity in the States. Then, for 1903 and 1904, the <sup>Canadian Indian Department.</sup> Canadian Department of Indian Affairs reported the important item, that, for the first time since the seven treaties were negotiated with the Indian nations of Manitoba and the North-West Territories, there was in the Indian population an excess of births over deaths. The actual number of souls being 107,978, there had been a natural increase, in 1903, of 168, and in 1904 of 262. There was progressive development in agriculture; polygamy was practically extinct; the braves no longer contemned work; the Blackfeet and Sioux in particular were mentioned; and the work accomplished by the Black Robes was supported by the Government with stringent anti-liquor laws. These results, reported from Canada, agreed perfectly with what was and is to be witnessed in the Rocky Mountain missions, founded by Father De Smet within the Federal Union. Catholic Indian farmers there employ white labour.

Lord Grey, Governor of Canada, visited the Indian settlement of Oka, or the Lake of the Two Mountains, in 1911. He addressed the Trappist monks, saying that his acquaintance had indeed been more

<sup>4</sup> London *Times*, April 16, 1903.

intimate with Jesuits in South Africa than with Trappists; but, as he could bear witness, "you," he said, "are proving to the people in your vicinity that it is possible to make the soil indemnify the labourer without any heavy expenditure."

Grey.

We dismiss therefore as unpractical for Christianizing and civilizing the world, that theological conception, which Lecky ascribes particularly to the early Hanoverian period.

Lecky.

He says: "The theological conception, which looked upon religion as a kind of adjunct to the police force, which dwelt almost exclusively on the prudence of embracing it and on the advantages it could confer, and which regarded all spirituality and all strong emotions as fanaticism, corresponded very faithfully to that political system under which corruption was regarded as the natural instrument, and the maintenance of material interests as the supreme end of government."<sup>5</sup> Hoadly, Bishop of Bangor and then of Winchester, but first and last a political Whig, had established the union between such theology and politics when, about 1720, he made out to the general satisfaction that confessions and formularies of faith should be considered as edicts of the State, not as articles of doctrine; and that every man might make up a religion for himself by interpreting the Scripture in his own name, while never allowing the Church of Christ to interpret the Scripture in the name of God.<sup>6</sup> Then Bishop Warburton's laboured argumentation on *The Alliance between Church and State* came as a very fair commentary on this style of religious and Christian thought, which, as Lecky says, was the faithful counterpart of political corruption. The

working of such a religious theory was well sketched by

Knox.

William Knox, sometime Under Secretary of State, and a member of the Society for the Propagation of the Gospel. Advocating a bishopric for Nova Scotia prior to the American Revolutionary War, and, as usual, underpinning the whole religious idea with the more fundamental one of salaries, he insisted that the new bishop and clergy should not be left dependent for support on any local beneficence; the bishop should not even be allowed to depend upon the London S.P.G.; but he and his clergy should be tied to the British Government by means of allowances from the quit-rents. Knox continued: "In due time a Canadian bishop was intended to be appointed with larger emoluments than the Nova Scotia bishop, who might look up to that [*Canadian*] see as a beneficial translation;

<sup>5</sup> Lecky, *England*, ii. 445.

<sup>6</sup> Butler, iii. 182-184.—On Hoadly, cf. *History*, I. 202, note 20.

and be thence incited to conduct himself with such propriety, and acquire such a habit of acquiescence with the views of Government in his subordinate situation, as might secure his promotion, and preserve him in the same line of conduct when he became pre-eminent."<sup>7</sup> In actual operation, we see no reason to doubt that such religious stage-play of an ecclesiastic in the rôle of a political marionette was perfectly executed by the gentleman, Rev. Charles Inglis, who, obtaining the first appointment as Bishop of Nova Scotia, distinguished himself by the anti-Papist performances noted above, perfectly consonant with the politics of Uganda and its missionaries.<sup>8</sup>

There are countries which have seen and kept the Catholic hierarchy also in a state of Babylonian bondage. But, if there were such to-day, and if missionary work proceeded under such prison regulations, Pius X., lately deceased, would scarcely have been able, during the first ten years of his pontificate, to augment the Catholic hierarchy throughout the world with one hundred bishoprics and archbishoprics.<sup>9</sup>

<sup>7</sup> Knox, *Extra-Official State Papers*, Part I., App., pp. (18)-(18).—The book was written after the American Revolution, and recorded reminiscences.

<sup>8</sup> *Supra*, p. 418, note 1.

<sup>9</sup> The operations conducted by divines of the eighteenth century, such as we have just mentioned, illustrate much of a certain religious mentality, which has appeared in earlier chapters, and will still appear in this volume. As churchmen using a theological apparatus, they whittled the Church away into a peg of the political machine. Being only political creatures themselves, their sole qualification for speaking as churchmen was that they were living off an Establishment which had planted itself on the old religious foundations belonging to the Catholic Church in England.

Warburton, Lord Bishop of Gloucester, in Book II. of his *Alliance between Church and State; or, The Necessity and Equity of an Established Church and a Test Law Demonstrated*, says of the political State which presumes to handle things religious: "An unequal and unjust Government, which seeks its own public utility, will always have occasion for error; and so must corrupt religion both in principle and practice, to serve its own interests" (p. 92). On the other hand, religious society, says he, "hath been shown to have nothing in the legitimate exercise of its sovereignty, that can clash with civil power"; yet it is "so liable to be abused, as to make it of infinite interest to the State to prevent the abuse." Wherefore he concludes, "that its dependency on the State, the only means of preventing the evil, can be brought about no otherwise than by an Alliance between the two societies, on the footing of a free Convention." Here he notes apologetically "the master-sophism" of Tindal's book on the *Rights of the Christian Church*, the abuses being taken to prove that the Church is an *Imperium in Imperio*—just what Warburton himself is doing, to make it a political bureau (p. 101). He admits that this tutor of a State, being, as likely as not, inequitable and unjust, may degenerate from the high mission of sanctifying its ward, the sovereign holy religion, and may, in the words of Grotius, "if much stronger in force, gradually usurp a supremacy, *imperium*, properly so called; especially if the alliance be perpetual" (p. 111). But there is abundant compensation for this slight inconvenience. The Establishment gains the privileges of peerages ['*My Lord Bishop*,' '*His Grace Archbishop*'], the right of Convocation, etc. The State acquires the very thing which Grotius had called a usurpation: "*its supremacy*," says Warburton, "*in Matters Ecclesiastical*: the Church resigning up her independency, and making the magistrate her supreme head, without whose approbation and allowance she can administer, transact, or decree nothing" (p. 181).



Finally, to cut short the crabbed and confused argumentation of this divine, we report his final words at the end of a long treatise: "I will conclude in requesting my Reader to have this always in mind, *That the true end for which Religion is established is, not to provide for the True Faith, but for Civil Utility*, as the key to open to him the whole mystery of this Controversy; and the clew to lead him safe through all the intricacies and perplexities, in which it has been involved" (p. 347). It would require many more keys and clews than that to get out of Warburton's tangle—an "Alliance" subsisting between one party and no other party left. As to the Church of Christ in the world, he has despatched it already, quoting sympathetically from Jean Jacques Rousseau, that "the pure Gospel" is "too sociable, embracing too much the whole human race by a legislation which ought to be exclusive [*Anglican, Gallican, Russian*]; inspiring humanity rather than patriotism, and tending to form men, rather than citizens" (p. 235). For to be a Whig, a Democrat, a Tory, a Republican, or a Jacobin, is more important with these men than to be a man.—Compare *History*, I. 130, 131.

After Warburton there came further improvements in this matter, as well as in the style. Dr. Conyers Middleton was more slashing and free. In his *Introductory Discourse to a Larger Work concerning the Miraculous Powers*, etc., he did away with the Church altogether, starting with the assumption that miracles are the basis of all her powers. So he attacked all her powers, by assaulting miracles; and he assaulted miracles in the best rationalistic fashion, by stating in round terms that they were incredible, and not to be examined. As, in point of fact, miracles like prophecy are only among the evidences or credentials of the Church's mission, and are not the basis of it, Middleton was dispensing himself from the evidence in order to arrive at his verdict. He skirmished with the Fathers of the Church as witnesses to miracles; and this cloud of witnesses he assumed that he dispelled. Scripture was a prime witness. That was ruled out too. He brought logic, science, and faith down to the level, which is found to be common, two centuries after his time.

What was meant here by "miraculous powers" comprised the supernatural qualifications imparted to the priesthood in the exercise of their ministry—powers which are not miraculous, nor part of the Church's evidences, but are a portion of her regular equipment. These are notable in Transubstantiation, and absolution from sin—not to mention many others, Sacramental, legislative and magisterial. The Puritan, Judge Samuel Sewall, spluttering distichs at the Cross of Christ, was not more nervous than these Scriptural churchmen were at the words of Christ: "This is My Body," "Unless you eat of My Body and drink of My Blood, you shall not have life in you," "Whose sins you shall forgive, they are forgiven." They dissented from all such Scripture; at least for the reason that, as Edmund Burke said, "Protestantism, even the most cold and passive, is a sort of dissent," and Puritanism is conspicuous as being only the "refinement" of dissidence, or Protestantism to a degree. Warburton, who ranked as a bishop, affirmed his right to be a sceptic: "A sovereign contempt," said he, "for the authority of the Fathers, and no great reverence for any other, is what now-a-days constitutes a Protestant" (Plummer, p. 236). *Cum in profundum venerit contemnet* (Proverbs, xviii. 3).

So, everybody dissenting, it is no wonder that in our time the mere attempt of Protestant Ritualists to agree with the plain word of Scripture, and to symbolize more or less crudely truths which are hated, should have evoked a new storm of dissent, and brought on these advocates of sweet reasonableness a part of that hatred which they had no right to. That is the appanage of Christ's Church and, in some sort, of the Jesuits. Whether they also came in for a part of the reverence which attends the Church, we cannot affirm.



## CHAPTER XVI

### MARYLAND, 1690-1720

§ 197. A packet of Jesuit letters: 1710. § 198. Process of legislation in Maryland: 1692-1704. § 199. Nicholson's proclamation against Jesuits: 1698. § 200. The inquisition upon Jesuits: 1698. § 201. Seymour and the Jesuits: 1704. § 202. Maryland law against Popery: 1704. § 203. State of the Jesuit peril: 1704-1709. § 204. Maryland and Irish Papists: 1696-1717. § 205. The Board of Trade and Jesuits: 1704, 1705. § 206. The Privy Council and Jesuits: 1706, 1707. § 207. Bohemia, Philadelphia, Delaware: 1704-1760. § 208. The Baltimores, Protestant; Hart, Governor of Maryland: 1713, 1714. § 209. Jesuits imprisoned: 1716, 1717. § 210. Anti-Jesuit campaign: 1717, 1718.

**Manuscript Sources:** Archives S.J., *Anglia, Historia*, vi.—(London), English Province Archives, Thorpe's *Extracts*.—Fulham Palace Archives, American papers.—Lambeth Palace MSS., 711.—Public Record Office, *America and West Indies; Board of Trade; Entry-Books; Forfeited Estates*.—Sion Library, Bray MSS.—Stonyhurst MSS., *Anglia A.*, iv.—Georgetown College MSS.—Maryland-New York Province Archives.

**Published Sources:** Hughes, *Documents*, I. Part i. of this series, *History S.J.*—Anderson, *Church of England in the Colonies*, iii.—(Maryland), *Archives of Maryland*, xxxiii.—Boucher, *Discourses*.—Bray, *Visitation*, 1700.—Du Bois, *Suppression of the Slave Trade*.—Hawks, *Contributions to Ecclesiastical History U.S.*, ii.—Hazard, *Pennsylvania Archives*, i.—Hughes, "Maryland Marriage Question" (*American Ecclesiastical Review*, xxvi.).—Kilty, *Landholder's Assistant*.—McCormac, *White Servitude in Maryland*.—McMahon, *Historical View, Maryland*.—Perry, *Maryland; Pennsylvania*.—Public Record Office, Fifth Report of Deputy Keeper: *Forfeited Estates*.—Devitt, "Bohemia," (*Records*, xxiii.).—*Researches*, v., xii.—Ridgeley, *Annals of Annapolis*.—Russell, *Maryland*.—Scharf, *History of Maryland*.—Shea, *History of the Catholic Church in U.S.*, i.

THE present chapter shows the Jesuits on the ground of old Catholic Maryland pressing forward with their ministrations, and repressed by anti-Popery acts, to which their efficiency gave occasion. Complaints were loud and sustained that Jesuits were not innocuous like

the ministers; and that the ministers had nothing of the Jesuit about them. At one time, a pestilential visitation in the colony opened a wide field for the zeal of the missionaries to do some good, and for the zeal of others to stop them with laws. Anti-Popery waxed in regular progression under the successive administrations of governors, who were loyally supported by the authorities in London. During twenty-five years after the Orange Revolution, these functionaries were appointees of the Crown. The last stage of legal and administrative oppression, during this period, was due to the merits of a governor named Hart, who owed his promotion, not to the favour of the Crown, but to the Baltimore family. To this family, in turn, all the rights of government in the province accrued again, for the merit of having ceased to be Catholic. In these circumstances, the governor took measures to abolish the Jesuits altogether, by imprisonment for their persons, and an attempt on their property. The assembly of the Province concurred by disfranchising the Catholic laity, and depriving them of common freemen's rights.

Pennsylvania was the home of a people ever kindly and peaceable, —whatever their governing bodies might sometimes do by statutes, or extraneous elements aspire to intermittently in an access of fury. Hither the attention of the Fathers seems to have been directed as early as 1704, to enjoy freedom for their work, and room for expansion.

§ 197. A packet of letters was sent by the Jesuit Fathers of Maryland in 1710 to the Provincial, Father Louis Sabran, to the Rector in London, Father Thomas Parker, who was also Vice-Provincial, and to the procurator of the Province, Father Charles Kennett. All precautions were taken for the safety of the papers. Mr. Nicholas Richardson, a Catholic friend, undertook to deliver them by hand in London. But the packet, being dropped in some Scotch port, was sent thence by post to the general office in London. The postmaster-general submitted the letters to Lord Dartmouth, who, having read them to a committee of Council, was directed to pass them on for the consideration of my lords at the Board of Trade. And thus, because they were lost, we find them among the State Papers. Many other letters had not the good fortune to be lost; and so they are not found.<sup>1</sup>

British  
Ministers  
circulating  
Jesuit letters.

<sup>1</sup> Father Killick says to Sabran: "I wrote to you (if the length of time hath not made me forgett) eight or ten years ago; but receiving no answer I despaired of a correspondence; the same I did (as I think) to Mr. Hen: Sheldon, my most kind friend."

The information which the letters contained, regarding the course of missionary life at a date twenty years after the Orange Revolution, is conveyed in Killick's letters. He says to Kennett: "Since the late governours [*Seymour's*] death, we live very peaceably. God send us a good one in his place." An inside view of the mission.

To Sabran he reports: "As to the accounts you desire of me, of our factory,<sup>2</sup> I'm sorry I cant give you any such tydings as you hear from that of Madura and the East, etc. It goes here much as in England; where, by the severity of times, we do little more than keep our own. I think there is between 200 or 300 that frequent my store;<sup>3</sup> all the good I do is to make them constant and good customers; thousands of whose failings I hope I have concurred to prevent, who otherwise, without our help, wu'd become renegades. This and the will of God makes me contented with my station, even without the great advance, which is made in the Eastern factorys. 'Tis our joy to read of them, and as great a trouble to hear of the unfortunate jarrs of China.<sup>4</sup> We, God be thanked, live in good peace and union one with another, in expectation of better times to advance our trade."

The Fathers stood in need of divers things; but their principal necessities they could not hope to see satisfied. We suppose this referred to sacred vestments and utensils: "The wares I wont," says Killick, "are chiefly those which you cant send; being they are prohibited goods. I shu'd be glad (for my diversion) to read the lives of the modern heros of Don Inago's company."<sup>5</sup> As to their having money for any purpose whatever, it was out of the question.

The superior, Father Brooke, in his letter to Father Parker, begs that he may be allowed to draw on the London procurator for the passage money of the recent arrivals in Maryland (Father Henry Pulton and two Brothers). He has no No money in prospect. money at present, nor any certain hope of having it soon; and, if the bills are protested, the mission will be "cast so backward," as not to know how to come out of debt. He desires much to have more men; but the passages he himself cannot pay for. He desires his compliments to be paid Mr. Toutsaint (de la Poole), who was just then on his way to Maryland.

For the "very good factour and two underfactours" who have arrived,<sup>6</sup> Killick returns hearty thanks; but he says of Father

<sup>2</sup> The Maryland mission.

<sup>3</sup> Killick's local station.

<sup>4</sup> The controversies on Chinese rites.

<sup>5</sup> St. Ignatius' Society.

<sup>6</sup> Priest and brothers. See Appendix F, Nos. 68-70.

Brooke: "Had my master wherewithall to defray the charges, two or three more w'd be well imployd, if well qualified. I shuld burthen you with a petition for some prayer books and one or two Catholick Scripturists, but that I have no money. Mr. Fairfax<sup>7</sup> got the four tomes of Nephew's *Pensées ou Réflexions Chrétiennes*, etc., for Mr. Thorold; if cant get 'em yourself for me, be pleased to desire him to do me the same kindness; and Ile return him a letter of thanks, and pay if I can." In fact, the mission was financially crippled, as all Maryland was at this time; hostile fleets sweeping the seas, and, says Brooke, those things "failing us, by the sale of which in England [we] were used to raise bills." That is to say, the tobacco crops could not reach their market.

That was not the only evil which afflicted the missionaries. There was the radical and permanent one of having to manage estates. "The greatest trouble I find here," says Killick, "is, besides the care of the factory,<sup>8</sup> the charge of an estate, which takes up much time, and is sufficient alone to imploy one man." His "underfactour" renders little service, being sickly, old, weak, of little capacity, and being besides cook, gardener, etc. Whether this was a Brother or a layman, does not appear. Another evil affected the missionary personally; he was constantly unwell, though very seldom bed-sick. He throws the blame of his indisposition on "that ugly Jesuits powder which was given me, I suppose, too crude, in the last year I lived in your parts, for the cure of small ague. The cure was far worse than the disease."<sup>9</sup>

He tells of a house which he is building at a place, called by Father Cattaway "Paradise," situated high above the mists of the low lands around, with a fine prospect over the river.<sup>10</sup> It was to serve as a place of repose for the infirm. However, all the fine hopes notwithstanding, and all the troubles with workmen concurring, "it gives me," says Killick, "but little comfort; several years experience having taught me to find little satisfaction in this world. I hope for another house not built with hands in the next."

Finally, the chief occasion for the present packet of letters seems

<sup>7</sup> An English Jesuit.

<sup>8</sup> The local missionary station.

<sup>9</sup> This Jesuit speaks with less respect of a Jesuit item than the Virginian, Colonel W. Byrd, who wrote: "Most of our family has been visited this fall with your Kentish distemper. We have swallowed the bark—but know not whether we should curse the Jesuits for filling our mouths with so bad a taste, or bless them for discovering so good a medicine" (*Researches*, xix. 149; October 2, 1735).

<sup>10</sup> Apparently, this was St. Thomas's on the Potomac; and we infer that Killick's station was that of Portobacco.

to have been the conveyance of information regarding two Brothers, Dyne and Clarkson, whose time had arrived for taking their last vows in the Order; or, as he expresses it, for "giving us new bonds." Killick says of himself, "my bonds were sealed long ago." And so with these communications there went official reports in Latin from R. Brooke and W. Hunter, on the character and merits of the two Brothers. What the Privy Council and the Board of Trade made out of them, we cannot divine.<sup>11</sup>

"We do little more than hold our own," wrote Killick. As this statement does not agree with what the governors, assemblies, and Protestant ministers of Maryland were saying and writing during these years, we may interpret the expression <sup>Missionary assets.</sup> in the same way as a similar statement must be explained in a triennial report, dated the same year, 1710. In that account covering the past three years, the Provincial uses this phrase: "The greatest part of our work in England is to preserve the families." He adds, returning thanks to God, that "during these last twenty years, no family, which ours have charge of, has been lost to the faith, although the severest temptations have tried the Catholics, owing to the imposition of double taxation, in the matter of all imposts." Here it might seem that no impression was being made on the general world besides the Catholic families; and he does go on to explain how the utmost caution must be used in approaching any non-Catholic, for fear of a complaint being lodged, and an active persecution set up at the instigation of ministers and bishops. Yet, with all this, the same report states that there have been converted to the faith, within the last nine years, 3537 "English heretics"; the sum-total of souls under the care of the Jesuits, on both sides of the English Channel, being 18,900.<sup>12</sup>

Considering the population of the two countries respectively, it will be seen from the reflex view afforded by governors and others, that the small handful of missionaries in Maryland were producing just as much fruit proportionately as their brethren in England; and it will also appear from the same sources that, within twenty years

<sup>11</sup> P. R. O., *B. T.*, *Md.*, 6, i. 271; Dartmouth, Whitehall, December 2, 1710, to Bd. Tr., enclosing letter, November 15, 1710, from the General P. O.; W. Killick, July 14, 1710, to C. Kennett; R. Brooke's and W. Hunter's official informations; Killick, July 14, 1710, to Mr. James Whitmore (Louis Sabran); (Brooke), July 20, 1710, to T. Parker, London.—There was no mistaking the character of the packet, for the superior signs one of his informations in very explicit terms: "*Hæc scripsit Pr. Robertus Brooke Societatis Jesu in Marilandia missionarius. Julij 26.*"

<sup>12</sup> *Anglia, Hist.*, vi. 688-686, 1710.—Two little schools or "classes," conducted by Jesuits, were the entire provision in England for "those children of Catholics, who cannot be sent by their parents out of England."

after the Orange Revolution, their liberty of action had been reduced to nearly the same condition as that of the missionaries across the ocean.

§ 198. Sir Lionel Copley, receiving his appointment from William III., was the first governor of Maryland after the Orange Revolution.<sup>1</sup> He began his term of government in 1692, by signing an act "for the service of Almighty God, and the establishment of the Protestant religion in this province." The Protestant religion was to be established on a basis of taxation. Sir Edmond Andros, Governor of Virginia, administered the province after Copley's death, having properly sworn against Transubstantiation in the city of St. Mary's, October 3, 1693.<sup>2</sup> Among the councillors subscribing this test was Thomas Brooke, brother of the Jesuit superior, Father Brooke. In 1694, Francis Nicholson entered on office as governor; and we owe much information about the Jesuits to him, as well as to a couple of his successors, Seymour and Hart.

If we are to believe the indictment filed against Nicholson in 1698, we must infer that, in his first years of office, he was on fair terms of comity and amity with the Jesuits; as he had been with Father Harvey at New York.<sup>3</sup> With regard to the Protestant clergy, he seems to have been fairly detached in spirit, and not unduly partial; for the fourteenth charge against him in the "Further Articles of Crymes and Missdemeanors against Coll<sup>o</sup>. Francis Nicholson," runs as follows: "(14) That his chaplaine, Mr. Peregrine Coney, a pious and good man, the creditt of the clergy in this province, and the delight and encouragement of all her well-wishers to the present Church of England, hapning one day to be a litle overtaken in drink by the said Governours means, the Governour sent for him to performe the divine service; tho' the said Mr. Coney excusing himself and the Governour very sensible of the condition he was in, yet he commanded him to be brought, and, in that indecent condition publicly exposed him to the congregation, calling him dog and roage, and ordering him to be turned out of doors."<sup>4</sup>

Nicholson and his assembly took measures to secure the royal

<sup>1</sup> He had earned the gratitude of the Dutch invader by securing the port of Hull, when William of Orange landed in England (Scharf, i. 842). How Lord Cornbury, subsequently Governor of New York, had acquired merit, has been mentioned in History I., 102.

<sup>2</sup> P. R. O., *Md.*, 556, f. 102.

<sup>3</sup> *Supra*, p. 149.

<sup>4</sup> P. R. O., *Md.*, 558, f. 80; 1698.

approval for the Act of Religion transmitted in Governor Copley's time. It was voted in the house of burgesses, that an additional act should be made with "a clause therein incerted to enable the several and respective vestrys to sue for and recover donations and gifts to pious uses at present perverted."<sup>5</sup> Though the text of provincial legislation at this epoch may refer exclusively to donations and foundations made by Protestants for the Protestant Church,<sup>6</sup> the subsequent course of administration directed itself expressly towards ousting the Jesuits from their property.

An act for establishing free schools had been passed as early as 1694; and the assembly addressed Thomas Bishop of Lincoln, soliciting his patronage for their design of making "learning an handmaid to devotion." They had been stimulated hereto by the foundation of William and Mary College in Virginia; and they appealed to the bishop, because he had contributed to the foundation of that college, "in opposition to that shop of poisoning principles set open in the Savoy."<sup>7</sup> To the Lords of Trade Nicholson wrote of these free schools, of converting Indians by them, and, said he, "putting a stop to the Papists and Quakers, and bringing them over to the reformed religion; and to make those that are allready Protestants better in their lives and morals."<sup>8</sup> Whatever the governor was talking of, Indians, Papists, Quakers, or Protestants, he was making a rather extensive demand on the chapter of accidents, if free schools for boys were to accomplish all these religious transformations.

The attempt  
at a mission  
by free  
schools.

The first Act of Religion was disapproved in London (March 11, 1696).<sup>9</sup> Then another act of the same purport was framed (July, 1696).<sup>10</sup> In an address to his Majesty, an offer was made to the Bishop of London, that, if he would carry out his intention of sending over a clerical superintendent, the province would settle on such incumbent the office of commissary-general, a lucrative post with probate of wills, and the care of estates belonging to widows, orphans, and all persons dying in the colony.<sup>11</sup> Governor Nicholson found it somewhat difficult to organize the colonial Protestant Church, with all its appurtenances and appendages. A few days after the foregoing address, he endeavoured to

<sup>5</sup> P. R. O., *Md.*, 556, f. 273; May 13, 1695.

<sup>6</sup> *Ibid.*, ff. 153-155v, "Additional Act to the Act of Religion"; May 8, 1695.

<sup>7</sup> Perry, *Md.*, pp. 1, 2; October 18, 1694.—Lambeth Pal. MSS. 953, No. 24.

<sup>8</sup> P. R. O., *B. T.*, *Md.* 8, ff. 64v, 65.

<sup>9</sup> *Ibid.*, *Md.* 8, f. 68v, Nicholson, March 27, 1697, to Bd. Tr.

<sup>10</sup> *Ibid.*, *Md.*, 557, ff. 117-119.

<sup>11</sup> *Ibid.*, f. 143; September 16, 1696.



have a gratuitous provision of "small books, such as the *Common Prayer Book*, *Whole Duty of Man*, and books against drunkenness and swearing, etc.," laid upon the taxes; but the burgesses thought that a provision of arms was more opportune at present.<sup>12</sup> Still, after much fencing on vestry business and other bagatelles, the burgesses showed that they were beginning to be impressed with these religious interests; for, when it came to buying a gown in England "for the Chief Justice to wear in court," their committee was of opinion that, as to the gown, "it may be better lett alone at present, till religion and education hath better ground in this province."<sup>13</sup> In spite of all these difficulties, the secretary of the province, Sir Thomas Lawrence, dilated on the brilliant results of Nicholson's evangelizing activity; how, what with thirty churches to "be finisht this summer," and the hopes of Commissary Bray bringing over parish libraries, and "10 or 12 sober ministers," why, as Lawrence said impressively, "I think, considering what a sort of people we have to deal with, living hitherto under no ecclesiastical or civil government which had any influence on their faith or moralls, the extraordinary work his Excellency's generosity, care and diligence hath effected, will be next a kin to converting and civilizing an heathen and barbarous nation." But it was a great pity that the Maryland "laws of religion and schooles" should have been reversed in England.<sup>14</sup> Dr. Bray came.<sup>15</sup> Then a project of law previously sanctioned at headquarters in London, duly enacted in the colony, and finally approved by Queen Anne, became the law establishing the Church of England in Maryland.<sup>16</sup>

As passed in the province, the very second provision in the law imposed a tax or assessment of forty pounds of tobacco, to be levied for the ministers on every taxable person.<sup>17</sup> It was this essential provision, which had moved Dr. Thomas Bray during his visitation to deliver himself in a passage, as pathetic in its import as it was poetic in its inspiration. He said to the clergy assembled, who were some seventeen in number, and included the bigamist, George Tubman, Rector of Portobacco: "I was always, indeed, of the opinion, that it would be more the calamity of the province, than of

Dr. Bray's  
pathos on the  
Act of Religion.

<sup>12</sup> P. R. O., *Md.*, 557, f. 167<sup>v</sup>; September 23, 1696.

<sup>13</sup> *Ibid.*, f. 169.

<sup>14</sup> *Ibid.*, ff. 17, 18, Lawrence, Annapolis, March 25, 1697, to "Hon<sup>d</sup> Sir."

<sup>15</sup> Cf. *supra*, p. 305, note 4.

<sup>16</sup> P. R. O., *B. T.*, *Md.* 4; January 18, 1703.

<sup>17</sup> Perry, *Md.*, p. 140; March 16, 1702.—For an approximate estimate of this currency in tobacco, see *infra*, pp. 449, note 10; 469, note 7.

you, to have your support taken from you, and yourselves return home; and therefore often did bespeak the people in these words: 'Weep not for us! Weep for yourselves, O ye daughters of Jerusalem.'" To Tubman in particular, he said: "Lastly, as to place: it so happens that you are seated in the midst of Papists, nay, within two miles of Mr. Hunter, the chief amongst the numerous priests at this time in this province; and who, I am credibly informed by the most considerable gentlemen in these parts, has made that advantage of your scandalous living, that there have been more perversions made to Popery in that part of Maryland, since your polygamy has been the talk of the country, than in all the time it has been an English colony."<sup>18</sup>

If the governor and assembly had been pertinacious in violating an Instruction to governors that a law once disallowed should not be re-enacted,<sup>19</sup> still they made amends by professing that they would accept humbly whatever form of it was dictated in London. So a petition abjectly sued, in the spirit of the Irish Poyning's Law, which no other American colony would admit.<sup>20</sup> The same spirit was manifested in the new campaign against the growth of Popery; for, after fourteen years of enactments and suspensions, the Maryland act of 1704, "to prevent the Growth of Popery within the province," appeared in the final and permanent form of 1718 with the preamble, that the anti-Popery law of William III. had made sufficient provision to prevent the growth of Popery in Maryland, and "an act of Assembly can in no way alter the effect of that statute."<sup>21</sup> But it was in making headway against Jesuits and Catholics that this spirit of humble submissiveness to dictation was so effusively shown.

Governor John Seymour broke the new ground of assaulting the Jesuits directly. The act of 1704, to prevent the growth of Popery within the province, prohibited bishops, priests or Jesuits, from baptizing any child except such as had Popish parents; from saying Mass or exercising any Catholic function; and from endeavouring to convert any Protestant. It prohibited any Catholic priest or lay person from keeping school,

The  
obsequious-  
ness of anti-  
Popery.

Direct assault  
on Jesuits,  
1704.

<sup>18</sup> Bray, *Visitation*, 23-25; May, 1700, pp. 12, 13.—At the close of the visitation, Dr. Bray launched a missionary enterprise in the direction of the Pennsylvania Quakers. He contributed £10, and six others threw in another £10, making £20 in all, as an annual contribution "out of our penury," to help a destitute "Sister Church."

<sup>19</sup> Cf. Perry, *Md.*, p. 50.

<sup>20</sup> Sion Libr., Bray MSS., f. 233. Cf. *supra*, p. 101. *History*, I. 385.

<sup>21</sup> Cf. McMahon, p. 245, note 13.

or taking upon himself the education of youth. This of itself showed how the project of free school education in the province was a device for muffling and gagging education; and, in fact, the gagging of Jesuits became much more conspicuous than the doling out of any education to Protestants. The penalties provided by the act were for the first offence, £50 sterling; and, for the second, transportation to suffer in England the pains provided by the anti-Popery law of William III. Moreover, the identical provisions of William III.'s act were reproduced in the endeavour to pervert Catholic children, by calling them the "Protestant children of Popish parents," who, being Catholic children, were somehow embracing the Catholic religion. They were offered the assurance of maintenance at their parents' expense, if they would rebel against their parents, their parents' religion, and their own.<sup>22</sup>

The Board of Trade summarized these proceedings in a representation to the Queen, disapproving of the act. But, as the Maryland assembly itself had disapproved of its own deed immediately, and had passed a suspending law, to the effect that a bishop, priest or Jesuit might exercise his functions in a private family of the Roman communion for eighteen months to come, or till the Queen's pleasure should be known, the Board of Trade recommended that this suspending act should be made perpetual. Accordingly, the main act against Popery remaining as it stood, her Majesty in Council instructed Governor Seymour to have the suspending act renewed without limitation of time (January 3, 1706).<sup>23</sup> The governor and assembly with perfect obsequiousness did what they were told.<sup>24</sup> Then, eleven years afterwards, as we have already observed, the Maryland assembly rose to the conscious dignity of being subject to all laws of England passed against Popery, by declaring that an act of assembly could in no way alter the effect of William III.'s anti-Popery law.<sup>25</sup> This was in the

<sup>22</sup> Cf. *supra*, pp. 166, 167; *infra*, 457, 458.

<sup>23</sup> P. R. O., B. T., *Md.* 5, H. 8.—Cf. *Entry-Book, Md.*, B. T. 10, pp. 348-361. First named among those present in council is "H. London," the Bishop of London. The Queen had been informed by the attorney-general Northey that she could not of herself extend the term of eighteen months for the suspension. The English authorities had more ideas of their own limitations than the Maryland people of their liberties.

<sup>24</sup> *Ibid.*, *Md.*, 558, ff. 169-179; April 2-9, 1707.

<sup>25</sup> *Supra*, p. 443.—The reasons which had weighed with the Lords of Trade for disapproving of Seymour's anti-Popery law were, one liberal, the other economic. The liberal one was that the "act will forbid the exercise of the Popish religion even in private families, though in the most inoffensive manner, which we humbly conceive is not your Majesty's gracious intention." The economical one was, "that the rigorous execution of the said act would in a great measure tend to depopulate that your Majesty's profitable colony." Hence, in recommending that the act of suspension

time of Governor Hart, who with his Assembly went far beyond anything that his predecessors Nicholson and Seymour had been bold enough to attempt. If the people who sat in the assembly at that later epoch, 1715, really exhibited the grade of moral culture among the people of Maryland at large, their action and legislation are the only signs which we find, that the efficiency of the Jesuits in spreading Christianity must have been arrested by the legislative campaigns of twenty years preceding.

Having thus noted the general trend of Maryland legislation during the first quarter of a century after the Orange Revolution, we may review what the documents during this period reveal, with respect to the conduct, zeal, and effective work of the missionaries.

§ 199. "A tolleration of such liberty, as customarily taken by priests, may prove a discouragement to my Lord Bishop of London from sending ministers in." Such was the monitory reply sent down by the council of Maryland to the house of burgesses, when the latter proved recalcitrant in endorsing the lay council's ecclesiastical ordinances. These were very extensive, from the observance of rubrics to the Decalogue, and to Catholic priests, who were spreading Popery by marrying Catholics to Protestants. The council desired a law to be made, "that what

A "toleration of liberty" not to be tolerated.

should be made perpetual, viz. "suspending the prosecution of any priests of the communion of the Church of Rome, incurring the penaltys" of the anti-Popery act, "by exercising his function in a private family of the Roman communion, but in no other case whatsoever," they left the main act to operate with all its penalties against instructing Protestants, or teaching school; and also to operate in seducing Catholic children from the obedience and respect due to parents, as well as from their faith. However, they expressed this matter otherwise. They merely said that "the design of this law was only to restrain the exorbitant practices of the Roman clergy, which were increasing in Maryland." In the same trend of thought, the solicitor-general Harcourt criticized a Maryland act of October 3, 1704, on the probate of wills: "Tis expressly provided by this act that no orphan shall be placed under or bred up by any person of a different religion from his father. By this provision, if the father was Papist, the infant cannot have a Protestant guardian" (P. R. O., *Md.* 10, *Entry-Book*, B., p. 512). Far beyond the implicit wish conveyed here, the Maryland assembly in 1715 proceeded in effect and by act to take away a Catholic child from its mother, if the Protestant father was deceased, and decreed that the child might be placed where it was assured of a Protestant education (Soharf, i. 370).

These legislators, who fawned upon an English Privy Council, turned thus upon their fellow-citizens by violating the most elementary natural law. When the principles of Christianity have been lost, the slavery which results in civil affairs could not be better illustrated. "In matters which belong to the nature of the body," says St. Thomas Aquinas, "man is not bound to obey man, but only God; for all men by nature are equal [*pares, are peers*], to wit, in those matters which pertain to the sustenance of the body and the generation of children." Cajetan explains what is meant here by all men being equal or peers; that the equality is not in dignity or nobility, but in "power; for no man has power over another in those things which regard his nature." (St. Thomas, *Summa Theol.*, 2<sup>a</sup> 2<sup>ae</sup>, q. 104, a. 5, *corp.*) Cf. Seneca in the same sense, *supra*, p. 345, note 5.

priests hereafter come into the countrey be obliged to produce their orders in such a time, and that they presume not to marry any Protestant to a Papist without receiving a certificate from some minister of the Church of England of such Protestants being married by a minister of the said Church first." The governor felt about for a test oath, sending down word to the burgesses: "Qua[re], whether the act of Parliament for receiving the holy Sacrament does extend to this province?" To all these matters in 1696 the house of burgesses showed itself very insensible.<sup>1</sup>

At this time the reputation of Governor Nicholson was besmirched by Coode and colleagues for his having favoured Papists; and he became forthwith a vigorous anti-Papist. He stated to the Lords of Trade an estimable principle of Coode and company; and he made it his own, chiefly against the Jesuits: "Its one of Coads principles," wrote he, "that, Fling a great deal of dirt, and some will stick."<sup>2</sup> An epidemic supervened to afflict the colony; and this brought down the Protestant clergy upon the governor and the Jesuits; upon the Jesuits for attending to the sick; upon the governor for not stopping such a scandal. The ministers themselves, who did "marry and maintain their families out of the plantations they had with their cures,"<sup>3</sup> naturally felt reluctant to help the sick, and perhaps bring contagion into their cozy homes. They objected likewise to the Jesuits helping the infirm and the dying.<sup>4</sup>

One of the Protestant clergy wrote a remonstrance to the governor. This, being submitted to the house of burgesses, elicited a resolution:

Assistance  
for the dying  
not to be  
tolerated.

"Resolved, that the following address be sent to his Excellency the Governor:—By the house of delegates, March the 21st, 1697. Upon reading a certain letter from a Rev. minister of the Church of England, which your Excellency was pleased to communicate to us, complaining how that the Popish priests in Charles county do, of their own accord in this violent and raging mortality in that county, make it their business to go up and down the country to persons houses, when dying and phranticke, and endeavour to seduce and make proselytes of them, and in such condition boldly presume to administer the

<sup>1</sup> P. R. O., *Md.*, 557, ff. 89, 45, 49<sup>r</sup>, 52, May, 1696; f. 208<sup>r</sup>, September 29, 1696.

<sup>2</sup> P. R. O., *B. T.*, *Md.* 3, G. 9, p. 19; August 20, 1698.—We find a modern formula of this principle credited to a great man of our times; it was "Bismarck's maxim that a calumny should have little ones" (*London Times*, April 7, 1916).

<sup>3</sup> Perry, *Md.*, p. 9, *Md.* clergy, May 18, 1696, to the Bishop of London.

<sup>4</sup> Cf. St. Jerome to Sabinian: "*An malorum tuorum putas solatium, si multos tui similes habeas?*" And to Asella: "*Remedium poenae suae arbitrantur, si nemo sit sanctus, si omnibus detrahatur, si turba sit pereuntium, si multitudo peccantium.*"

Sacraments to them; we have put it to the vote in this house, if a law should be made to retrain such their presumption; and have concluded not to make such law at present, but humbly to entreat your Excellency that you would be pleased to issue your proclamation to retrain and prohibit such their extravagante and presumptuous behaviour. Signed by order. W. Bladen, Clerk House of Delegates." <sup>5</sup>

The character of Nicholson's proclamation against the "Popish priests and zealous Papists" was grandiose. He declared that all these people who "seduce, delude and persuade divers of his Majesty's good Protestant subjects to the Romish faith, by which means sundry of the inhabitants of this his Majesty's province have been withdrawn from the Protestant religion by law established"; moreover all the "procurers and counsellors" of such persuasive and seductive agents, have all alike "justly incurred the penalty and forfeitures as in cases of high treason, if thereof lawfully convicted, etc., as by the statute of the 23rd of Elizabeth and divers other statutes does evidently and plainly appear." Besides, "the parties so withdrawn and reconciled to the Romish faith as aforesaid" are subject to the said laws and penalties. Persons who aid, maintain or know of such offences committed, and do not turn informers, "shall suffer the forfeits as offenders in misprision of treason." We infer from the close of the imposing proclamation that many Protestant servants and dependants had been converted; for it proceeds to "charge and command that no Popish recusant whatsoever, living within this his Majesty's province, having any Protestant servants or other persons under him, her, or their jurisdiction and power, do any way restrain or hinder them from going to the respective parish churches, under the severest penalties." The proclamation was to be published by the sheriffs "in all churches, chapels, and other public places of worship and meeting within their respective counties, whereof they are in no wise to fail at their peril." "God save the King!" (March 29, 1698.) <sup>6</sup>

As the idea of "Popish recusant" was exclusively an English culture unknown in the colonies, and the statutes of Elizabeth no less than those of James I.<sup>7</sup> had never been enacted for the province of Maryland then unborn, nor brought over by any colonial enactment or custom, the worthy governor explained pleasantly to the

<sup>5</sup> Ridgeley, pp. 98, 94.—Cf. Perry, *Md.*, p. 12, Peregrine Coney and seven other ministers, May 18, 1696 [1698?], to the Bishop of London.

<sup>6</sup> Perry, *Md.*, pp. 24, 25.

<sup>7</sup> Cf. *History*, I. 86-99.

Archbishop of Canterbury that he had no authority for what he had done; and that the royal Instructions to himself were precisely in the contrary sense. His Grace had given Nicholson some information about the Papists' "wicked designs" of spreading Popery in Maryland. Whereupon Nicholson wrote: "I presume to send your Grace the enclosed copy of proclamation concerning you, as also one of his Majesty's royal Instructions to me, by which your Grace may [be] pleased to see that they [*the Papists*] are not expected [*excepted*] here, as in Virginia; so that, with humble submission to your Grace's greater wisdom, except his Majesty be pleased to keep this government [*out of Lord Baltimore's hands*], and except them [*from toleration*] as in Virginia, that idolatrous religion will still continue as it is, if not increase."<sup>8</sup>

Irish Papists  
not to be  
tolerated.

The issue about the king "keeping this government" to himself, and keeping the Catholic Lord Baltimore out of the administration, was a matter of deep solicitude with the governor and the clerical ministers; for otherwise the Jesuits would be free to work. Nicholson wrote to the Lords of Trade: "I suppose my lord must comply with the Jesuits in point of religion; who, no doubt, will take more vigorous resolutions, and put them in action for the promotion of their damnable tenets." Then there was the Irish Papist peril. Six or seven hundred servants having been imported, apparently in the summer of 1698, Nicholson gave the alarming information that "most part are Irish"; and they are "most, if not all Papists." The governor went on to portray the ominous prospect for the future.<sup>9</sup>

The ministers'  
commentary,  
and their  
wives.

The ministers, writing to the Bishop of London, enlarged, as might be expected, on all these topics. In the hope of Lord Baltimore being restored to his government, the priests and Jesuits do "begin already to inveigle several ignorant people to turn to their religion." They effect conversions among the sick, when the ministers will not attend the afflicted; or, as these clerics gently put it, when the sick "have no ministers"; so "that his Excellency hath been lately forced to

<sup>8</sup> Perry, *Md.*, p. 26, Nicholson, May 26, 1698, to Archbishop of Canterbury.—To judge by the local war, at this time waged against Nicholson for being a Papist, the governor seems only to have been fencing off so damaging a charge. Indeed, as he with his lay council was in the enjoyment of episcopal attributions, the question arises whether it was not actionable in his calumniators to malign him for Popish tendencies in his episcopal capacity. A certain lawyer's production has it under "Papist": "Nul aco" y p<sup>r</sup> calling one Papist. Q. tn si spoken of a Bishop." ("No action lieth for calling one Papist. *Quære*, however, if spoken of a bishop.") (Brit. Mus. MSS., *Add.* 17,022, f. 7.—See *History*, I., 107, note 10.)

<sup>9</sup> P. R. O., B. T., *Md.* 3, pp. 507, 508, Nicholson, August 20, 1698, to Bd. Tr.

issue out his proclamation against their so doing, to restrain them." There is a class of persons who will have nothing to do with the Protestant Church, "who can seldom or never be gotten to Church at all." They are "libertines and loose persons." And, such is the havoc wrought in the province, that, say they, "should my lord [*Baltimore*] rule as formerly, the insolence of the Romish priests (who are somewhat curbed by his Excellency's great care and vigilance) would soon be intolerable in these parts, that are so remote from England." They tell how, when Nicholson arrived in 1694, there were but three Episcopal clergymen, "besides five or six Popish priests, who had perverted divers idle people from the Protestant religion." These three ministers married; others had come with Nicholson, or since his arrival, and some of these had wives in England. Thus we come to the main subject of the long letter, which eight out of some thirteen ministers addressed to the Bishop of London. It was all about the clergy tobacco tax on inhabitants of the province. If Papists and Quakers should be allowed to escape the imposition, what would become of the ministers and their wives? There was just one allusion to their doing something ministerial. While the tobacco was being collected for them—40 lb. per poll—and their hopes were high at the prospect of Dr. Bray's coming as commissary, the one religious sentiment which manifested itself was a lively fear of being "overrun with enthusiasm, idolatry and atheism."<sup>10</sup> Meanwhile, in favour of these ministers, who had thus nestled in the tobacco leaf, there were "above 30,000 pounds [*sterling*] levied," from 1692 to 1700, in virtue of an Act of Religion, already twice disallowed in London, and still only in process of being engineered by Dr. Bray.<sup>11</sup>

And tobacco.

§ 200. Like a competent commander-in-chief, Nicholson was sweeping the whole field wherever he saw Papists and priests. On occasion of a plot in England against William III., he made known to the assembly that he was prepared to secure all Papists in

<sup>10</sup> Perry, *Md.*, pp. 8-13, Peregrine Coney, etc., May 18, 1698; where Perry has "1696." But Dr. Bray, commissary, of whom they speak, had been addressed for the first time on the subject of the commissaryship only "in April, 1696" (*Sion Libr.*, Bray's MSS., f. 7).—P. R. O., *B. T.*, *Md.* 3, pp. 301-307, "Account of the parishes, with their bounds, vestrymen, taxables and clergymen of the Church of England. Recd 21 June, 1697." Here appear the names of five ministers, who were not among the eight subscribing the letter to the bishop, May 18, 1698.—We may reckon 40 lbs. of tobacco as equal to 4 shillings.

<sup>11</sup> Perry, *Md.*, p. 50.—*Of. P. R. O.*, *B. T.*, *Md.* 4, Trevor, attorney-general, January 11, 1700, to Bd. Tr.



Maryland, their horses, arms and ammunition ; which magnanimous proposal he reported as usual to London ; adding that, if the Papists should be really "so wicked and foolish" as not to be good and wise, he would do his duty like a man. The assembly declined to endorse the proposal.<sup>1</sup> To have made it was enough for Nicholson's purpose. He set all the sheriffs of the country in motion, by an order of August 10, 1697, that they should "return a list of what Romish priests and lay brothers are resident in their respective countys, and what churches, chapels, or places of worship they have, what manner of buildings they are, and in what places situate." The Quakers and dissenters were to be included in the return.

Of twelve sheriffs who conducted this inquisition, only two found material which compromised the reputation of their counties—he of Charles county, and the other of St. Mary's county, where Maryland had first been settled. It was from Charles county that the remonstrance had come of the officious minister who occasioned Nicholson's great proclamation. There two Jesuits carried on their operations, Father Hunter superior, and Robert Brooke who had recently arrived in Maryland. In St. Mary's county, there was Father Hall. With these three Jesuits, Father Hubbard, a Franciscan, and Gulick, an ex-Jesuit, laboured in the ministry, making five priests in all for the entire province.<sup>2</sup> There were also two lay brothers, Burley and Williard, one in each of the two counties mentioned. The places of worship in Charles county were as follows: "One chapel near Newport Town, about forty feet long and about twenty feet wide ; has been built above twenty years. Also another chapel at Major W<sup>m</sup> Boroman's, above thirty feet long and twenty wide, being within two miles of the aforesaid ; and has been built about sixteen or eighteen years. Also a place of worship commonly used at Priest Hubbert's own dwelling-house, about a mile and a half from the aforesaid chapel. And another at Mr. Hunter's, living at Port

<sup>1</sup> P. R. O., *Md.*, 557, f. 126<sup>v</sup>, Journal of the House, July 6, 1696.—*Ibid.*, B. T., *Md.* 3, p. 57, Nicholson, July 14, 1696, to Bd. Tr.

<sup>2</sup> N. Gulick ceased to be a member of the Order in 1694. (*Anglia, Catal.* 3, 1696. Cf. Documents, I. No. 6, X<sup>3</sup>.) The mission had just lost by death Father John Matthews (1694), not to mention Father Harvey, who, having returned from New York, died in 1696. The General Gonzalez desired the Provincial to arrange so that two or three Fathers with one or two Brothers should reside at each of the three residences in Maryland. (*Ibid.*, No. 6, F<sup>4</sup>; December 10, 1695.) What these three stations were we infer from the sheriff's returns: Portobacco (St. Thomas's), Newtown, and St. Mary's City or St. Ingoes. The General also recommended that every year a supply of one or two men should be sent over to the mission. (*Ibid.*)

Tobacco, a house fitting up for a chapel near the dwelling-house of the said Hunter, which is the present place of meeting." The places of worship in St. Mary's county were "one brick chapel at St. Mary's [*City*]; one wooden chapel at Mr. Gewlick's plantation; one wooden chapel at Clement's Town; one wooden chapel beyond Petuxant Road, near Mr. Hayward's." On the Eastern Shore in Talbot county, there was one Catholic place of worship, a "clap-board house at Doncaster Town"; but no resident priest.<sup>3</sup> Hither it was, we presume, that Gulick withdrew, when new Jesuit missionaries arrived to occupy their own residences or plantations.<sup>4</sup> At present one plantation was spoken of as "Mr. Gewlick's"; and one lay brother was reported as being "at St. Inagoe's."

For visiting the sick and instructing them, the scholastic master, Thomas Hothersall, and the lay brothers were as good as the Fathers. We find that two of them died in the year 1698, Hothersall and the brother Williard; the former aged <sup>The total of Jesuit effectives, 1698, 1699.</sup> fifty-six, the Brother fifty. In the same year, Father Hall and a Brother, named Del Poue, were recalled to England. Father Henry Harrison, formerly a missionary in New York, was reported during four years (1697-1700) as being in Maryland. But in 1699 and 1700 his name received the dubious adjunct: "He was on his way thither; we hear nothing as yet." In 1701 he was given up as lost; and his name placed among the deceased.<sup>5</sup> Thus, at the beginning of 1699, when Nicholson resigned the governorship of Maryland to Nathaniel Blakiston, he was standing face to face with the imposing Jesuit forces of two Fathers, Hunter and Brooke, and two Brothers, Burley and John Dyne.

Blakiston becoming governor (January 2, 1699) invited the ex-governor Nicholson to sit at the council board with him. Then in a letter he paid the compliment, that "the information you gave me," wrote he, "and the character of <sup>Blakiston. Continuity of policy.</sup> persons, was more than a twelvemonths experience."<sup>6</sup> So there was going to be continuity of policy in Maryland. Nicholson, proceeding to the governorship of Virginia, carried his policy thither; whence, speaking for his council, he humbly addressed William III. in the words of the Queen of Sheba to Solomon, bowed before him as "Gods Immediate Vice-Gerent upon earth," and offered "the

<sup>3</sup> Perry, *Md.*, pp. 20-23; summarized by Bladen, clerk, May 24, 1698.

<sup>4</sup> Cf. Documents, I. No. 37.

<sup>5</sup> *Anglia, Catal.* 3, 1697, 1699, 1700, 1701.

<sup>6</sup> P. R. O., B. T., *Md.* 3, pp. 591-593, Blakiston, January 29, 1699, to Bd. Tr.—*Ibid.*, f. 597, Blakiston, January 20, 1699, to Nicholson.

triumphant laurell" to encircle the "royall temples."<sup>7</sup> Nicholson continued his own triumphal career as an exemplary governor, whilom in New York and Maryland, now in Virginia, then in South Carolina and Nova Scotia; finally, he was commander-in-chief of the Canada expedition, being associated with Phips of Massachusetts. He ended where his merits placed him, as Sir Francis Nicholson. He was the model of a royal governor, trimming his sails to the Jacobite or Orange breeze, to Catholicism or Anglicanism, and currying popularity so far as to pay money for the people out of his own pocket, when he was inducing people to play his game.<sup>8</sup>

Blakiston's royal Instructions laboured under the same defect as Nicholson's; that, in the clause about general toleration, the usual colonial exception was wanting: "except Papists."<sup>9</sup> He did indeed receive the stimulus necessary to put him in an attitude of self-defence. He said candidly to the Lords of Trade that he was  
 And of time-  
 serving- urging onwards the Law of Religion, in order not to incur odium; and, besides, "the Papists and Quakers both are not a twelfth part of the province"; and moreover "neither with submission do we finde that there is any particular provision made for them, as they suggest; I cannot tell, what private agreement may have been made."<sup>10</sup> So the fundamental law of the province (August 6, 1650)<sup>11</sup> not being a "particular provision" on behalf of Papists and Quakers, and, moreover, Papists and Quakers being only as one in twelve among the entire population, he was free to trouble and molest them in defiance of the law, and reserve the general franchise of religion for the rest, with a particular provision of tobacco for the ministers. The London Quakers spoke of this clerical swarm as depriving the Quaker brethren in Maryland "of that little honey they have got to live on, for the maintenance of such that never laboured for it, but would live and be maintain'd by the fruits of other's industry."<sup>12</sup>

But Dr. Bray was in Maryland with his sermons, and his agitation in the legislative lobby. He himself recorded with gratification: "It was on all hands ownd and declared that it  
 Bray. The  
 last stand in  
 tobacco. was very providential that I came into the country at that juncture."<sup>13</sup> The danger of Blakiston's incurring odium was sufficiently averted by the favour which he showed to

<sup>7</sup> P. R. O., *loc cit.*, pp. 609, 610.

<sup>8</sup> Perry, *Md.*, p. 8.—Winsor, v. 264.

<sup>9</sup> P. R. O., B. T., *Md.* 9, *Entry-Book A*, pp. 261, 262.

<sup>10</sup> *Ibid.*, B. T., *Md.* 4, Blakiston, July 5, 1700, to Bd. Tr.

<sup>11</sup> Cf. Perry, *Md.*, p. 50.

<sup>12</sup> *Ibid.*, B. T., *Md.* 4; received May 6, 1701.

<sup>13</sup> Sion Libr., Bray's MSS., f. 19.

Bray's Act of Religion; hence the gallant colonel did not develop further in the anti-Popery campaign. He and his council did, indeed, address the king on "a horrid and detestable conspiracy, formed and carried on [*in England*] by Papists and other wicked and traitorous persons."<sup>14</sup> He and his assembly did also accept obsequiously what the London Quakers described as a money bill prepared by the king in London to be passed by the humble commonalty of Maryland.<sup>15</sup> But the Act of Religion being approved (January 18, 1703), the gallant colonel reposed tranquilly under his fig-tree; and the clergy moulded away in tobacco.

§ 201. On January 7, 1703, the queen made the appointment of Colonel John Seymour to the governorship of Maryland. The Jesuits, in accordance with the instructions of their General, had **Eleven Jesuits** been reinforced. Eight Fathers on the ground and three **in 1703-** Brothers were enough to form several little communities, or, as they are called in a state paper, "convents." The superior, W. Hunter was distinguished for his talent of managing or governing; and was professed of the four vows on account of this gift. Robert Brooke had every natural and acquired accomplishment to adorn him for the life of a missionary Father. His Maryland property he had assigned to the service of that mission.<sup>1</sup> Thomas Mansell and William Killick or Wood were both equal in natural and acquired qualifications to Brooke. Killick was noted as being qualified also for the professorial chair; but his health was feeble. George Thorold's talents were of an ordinary kind; he was well suited for missions and the ministry in general. There was also Robert Brooke's brother, Matthew,<sup>2</sup> who had entered the Order in 1799, being already a priest; but he died about this time (1704). Richard Cattaway had qualifications for professorial duties. Richard Latham was a man of experience. The six priests who reinforced Hunter and Brooke were all young men, ranging from thirty-five years of age (Mansell) to twenty-eight (Cattaway).

Six months before Seymour in London received his appointment, Father Hunter blessed a new chapel on his own ground, as we are left to infer, in the old Catholic city of St. Mary's, a place which had once been the capital, but was now **The case against the Jesuits.** merely a county court town. The prestige of a capital city had been transferred to the Protestant town of Annapolis.

<sup>14</sup> P. R. O., B. T., Md. 8; received November 16, 1699.

<sup>15</sup> May 6, 1701.

<sup>1</sup> Documents, I. No. 6, Y<sup>3</sup>; No. 42, A.

<sup>2</sup> Cf. *Ibid.*, No. 42, C. *Infra*, p. 465.

Father Brooke said Mass at St. Mary's, when it happened that the county court was sitting. More than fourteen months after the date of Hunter's blessing the chapel, the two priests, or, as Seymour expressed it in proper form, "two of the chiefe of that pernicious sect were presented lately at St. Mary's Court." But, whatever a stalwart grand jury might do in presenting the Fathers for trial, the governor and his council had a presentiment of difficulty in what the county court might decide. There was no law or custom to forbid what the Fathers had done. Hence the county court might dismiss them. What the governor and council now did, and what the house of delegates concurred in, Seymour himself narrated with perfect candour, writing to men of his own kind, the Lords of Trade who would understand him:—

"I had the advice," said he, "of her Majestys council here; and, it being thought by some that, if the said priests should be prosecuted at the provincially court it would be disputed how far any penall statute of England not expressly naming the plantations would extend hither, it was resolved, lest a jury might mistake, and acquitt them, and so give them an occasion of triumphing, it would be better to summon them to the council board."<sup>3</sup> So a change of venue was ordered, from a court of law that would acquit to a council or star chamber which would do something better. A resolution, which had been passed at the council board, showed that all this, from first to last, was only a mode of procedure to cover something else—nothing less than the silencing of Hunter, and suffering him neither to preach nor to say Mass in any part of the province.<sup>4</sup>

His Excellency prepared a careful monitory, to be delivered when the culprits were present, to be sent down for the admiring approval of the delegates, and, above all, to come under the patronizing cognizance of my lords in London. On September 11, 1704, the council sat in solemn session. There were present besides his Excellency ten persons.<sup>5</sup> By an unforeseen circumstance, the

<sup>3</sup> P. R. O., *Md.*, 558, ff. 129–132, Seymour, September 29, 1704.

<sup>4</sup> Scharf, i. 364: "It being represented to this board, that Wm. Hunter, a Popish priest in Charles county, committed divers enormities in dissuading several persons, especially poor ignorant people of the Church of England, from their faith, and endeavouring to draw them to the Popish faith: consulted and debated, whether it may not be advisable that the said Hunter be wholly silenced, and not suffered to preach or say Mass in any part of the province; and thereupon it is thought advisable that the same be left wholly to his Excellency's judgment, to silence him or not, as his demerits require."

<sup>5</sup> Col. John Addison, Thomas Brooke, Esq. (brother of the Jesuit), Robert Smith, Esq., Col. John Hammond, Col. James [?] Jenkins, Lt.-Col. William Holland, James Sanders, Esq., Kenelm Cheseldyn, Esq., Col. Thomas Ennalls, William Coursey, Esq.

spectre of law rose to disturb their tranquillity. The two culprits were outside in attendance, when the council learnt that a lawyer was with them. That would never do. "His Excellency being acquainted that the two Popish priests, viz<sup>t</sup>, William Hunter and Robert Brooke, pursuant to the summons from this board, attended to answer the complaint against them, and that Mr. Charles Carroll, a lawyer, accompanied them, asked the board, if the said priests ought to have their council with them; who unanimously agree and advise, they should not." Once again, before launching the sentence, the phantom of law rose in the star chamber. There was the fundamental enactment of toleration, which had prevailed in the province from the first. What, if the priests should appeal to the constitution of the colony, even without the help of their lawyer? "His Excellency quaeries, whether, upon their pretence of any custome of tolleration from the first settlement of this province, the actions of these priests can pretend any justification; who say not." The ground was now as free of law as it was encumbered with the eleven freelances.

Here the two reverend gentlemen were called in; and it appears from the paragraphs which follow that they were the only two gentlemen present. Still the others were seated, while the two gentlemen stood. The minutes proceed:—

"The said Mr. Wm. Hunter, and Mr. Robert Brooke appear'd; and are told on what occasion they were called before his Excellency. Mr. William Hunter gives his Excellency many thanks for the opportunity of appearing before his Excellency, and says he is very sorry for any annoyance in his conduct, as to the consecrating the chappell. He did not consecrate it; for that is an episcopall function; and that no body was present but himself in his common priest vestments; and that, neither under his Excellencys eye, nor in his presence. But, if any such thing done, it was above fourteenth months agoe, and long before his Excellencys arrivall. Mr. Brooke says he did say Mass in the court time at the chapple of St. Marys, but found that others had formerly done so."

The Jesuits  
to the  
governor.

The two gentlemen here left the room; and the others took counsel. The complaint having no law to sustain it, but the governor's carefully considered judgment being in his pocket whence it was chafing to come forth, a sapient conclusion was arrived at to meet every exigency, as well of the legal case which was null, as of the pocket-case which was full: "Advis'd that, this being the

first complaint, the said Mr. Hunter and Mr. Brooke be severely reprimanded, and told that they must not expect any favour, but the utmost severity of the law, upon any misdemeanour by them committed." By this advice, the governor's document, like a lion rampant regardant to the matter, was delivered from its state of durance, and set free to run from the "complaint" which was actual to some misdemeanour which was possible. The two Fathers being called in, "his Excellency was pleas'd to give them the following reprimand, viz:—

"Gentlemen. It's th' unhappy temper of you and all your tribe to grow insolent upon civility, and never know how to use it."

**The governor to the Jesuits.** In keeping with this introduction, the functionary proceeded to "superstitious vanities," "gawdy shows and serpentine policy," "insolence, but more especially in your fraternity who are more eminently (than others) abounding with it." Passing from illegality to lawlessness, Seymour threatened to do what he had already done, withdraw the Fathers from the action of law in Maryland; and to do what he could not do, send them to suffer the action of penal laws in Westminster: "And lest you should flatter yourselves that the severity of the laws will be a means to move the pitty of your judges, I assure you I don't intend to deale with you so. I'll remove the evill by sending you where you may be dealt with as you deserve." After some more of this, he ended with a sententious proposition, which is the only one really worth recording: "Pray, take notice that I am an English Protestant gentleman, and never can equivocate. After which they were discharged." And the farce ended, not without applause.

The members of the council board, considering that there was a Protestant church in St. Mary's City, and that the county court was kept there, judged it "both scandalous and offensive to the government" that a Popish chapel should be used there. They gave advice accordingly. "Whereupon it was ordered by his Excellency the Governour, that the present sheriff of St. Marys county lock up the said chappell and keep the key thereof." <sup>6</sup> So, without law as usual, they advanced to practical confiscation.

The elaborate anti-Popish document was communicated to the house of delegates, who replied by sending Colonel Smallwood and several members to the council with a message, endorsing with

<sup>6</sup> P. R. O., B. T., Md. 17, Journal of the Council, September 11, 1704.—*Cf. Scharf, i. 368, 369.*

"great satisfaction" what his Excellency had said to the Popish priests. "As all your actions," they declared, "so this in particular gives us great satisfaction, to find you generously bent to protect her Majesty's Protestant subjects here against insolence and growth of Popery; and we feel cheerfully thankful to you for it."<sup>7</sup> At the beginning of the session (September 5, 1704) the members of these two houses had "taken the oaths of allegiance and abhorrency and the oaths of abjuration"; they had signed the same and the test severally; "only Mr. John Hammond, a member for Ann Arrundell county, refus'd the same."<sup>8</sup>

§ 202. Four days after all this illegality, but in pursuance of a "proposition of last sessions," the Committee of Laws was authorized by the burgesses to investigate the anti-Popery question. This committee, discharging its duty, did "humbly re-  
The distress  
of Maryland—  
drifting to  
Popery.  
 porte" that, having examined the acts of Parliament passed under William III. "to suppress Popish priests and others from perverting her Majestys subjects, &c.," it did "find none of these to have such relation to this province as to be effectually to prevent the evill mentioned." The great anti-Popery charter and other acts of the British Orange administration were not enough for Maryland. The house hereupon "resolv'd, *Nemine contradicente*, that a bill be prepared to remedy the evill. Resolv'd, that the priests of Rome be wholly prohibited from baptizing any; and from perswasion and perverting any of her Majestys subjects to the supersticions of the Church of Rome. Refferd, for a bill to be prepared."<sup>1</sup> So was launched Seymour's anti-Jesuit law, which we have sketched above.<sup>2</sup> The law was passed October 3, 1704.

At the moment, the delegates did not quite know what they were doing. So they recanted, at least in part. Seymour wrote to the Lords of Trade, that, after his reprimand to Hunter and Brooke, "this General Assembly upon their first meeting, prepar'd and sent up a bill to curb their extravagancy, which her Majestys council and myself thought but reasonable, notwithstanding the mediation of a great part of the house of delegates (whose interests in lands are considerable) to procure a suspension of that law." He complained to my lords that the Jesuits and Roman Catholics had actually made parties in the lower house. "Bitter and invective railings," said he,

<sup>7</sup> P. R. O., *loc. cit.*, September 19, 1704.—Scharf, *loc. cit.*

<sup>8</sup> *Ibid.*, *loc. cit.*, Journal of the House of Delegates.

<sup>1</sup> *Ibid.*, Journal of the House, September 15, 1704.

<sup>2</sup> *Supra*, pp. 443, 444.



are "the very quintessence of their religion. Nay, the very common sort of children are so degenerate and so seduc'd by the Jesuites, that they rather wish and pray for, than her Majestys success, that of the greatest of tyrants." <sup>3</sup> Here Seymour was rather ambiguous. However that be, the Catholics presented a petition to the lower house, grave and respectful in its terms, but stringent in its argument.<sup>4</sup> The delegates passed a suspending law (December 9, 1704), allowing priests to exercise their functions in a private family of the Roman communion, but in no other case whatsoever.

This suspending act came as a check to Seymour's party. The managers reformed their lines; and, by a process which Seymour did not call prevarication, they betrayed the assembly "blind jump." into what he did call "a blind jump." A law was passed against bigamy, a subject which had nothing to do with priests and Catholics. But, wrote Seymour to the Board of Trade: "In the same law, they have also declared the penal laws of England, with respect to the tolleration granted her Majestys Protestant subjects, to be in force; which last was a blind jump in some of the Assembly, who were a well wishing party to the interests of the Roman Catholiques."<sup>5</sup> That is to say, re-enacting a law of James I. for punishing bigamy, they declared an act of William and Mary,<sup>6</sup> exempting Protestant dissenters from penal laws, to be in force. This British act of William and Mary named the penal laws which it lifted off the shoulders of dissenters, while of course leaving them for Catholics. Hence Seymour took it for granted that the colonial assembly was laying on the shoulders of Catholics in Maryland the weight which it declared was not on dissenters; for it said that "every article, clause and matter and

<sup>3</sup> P. R. O., B. T., Md. 5, H. 22. I.; Seymour, August 21, 1706, to Bd. Tr.

<sup>4</sup> *Ibid.*, B. T., Md. 4, G. 38; received December 21, 1705.—*Ibid.*, Md. 5, H. 22. G., August 21, 1706, Seymour complains of the delegates "well wishing to the interests of the Roman Catholiques"; the journals of the lower house show "how readily their [*the Papists*'] petition was granted, when prefer'd to the house, tho' in a most undecent dress, and such as her Majestys councill could not approve." Still, he says, "through the mediation of the delegates," the council was "induc'd further to expect her Majestys good pleasure for one twelvemonths." The governor appears to have been angling for favour in three directions at the same time—anti-Popery, pro-Popery, and, above all, the approval of my lords. To catch these last-named officials, it was never necessary to do more than write in a certain way, and fill their portfolios with the right kind of matter. Hence when Burke in the House of Commons assailed the whole establishment, Gibbon, who was one of the heroes incriminated, tells how "the Lords of Trade blushed at their own insignificance; and Mr. Eden's appeal to the 2,500 volumes of our reports served only to excite a general laugh" (*Memoirs*, i. 225).

<sup>5</sup> *Ibid.*, B. T., Md. 5, H. 22. G., Seymour, August 21, 1706, to Bd. Tr.

<sup>6</sup> 1 Gul. & Mar., sess. 1, c. 18. See *supra*, p. 164.

thing, in the said acts containd, shall be and are in full force to all intents and purposes within this province." Thus one and the same enactment was devised to catch bigamists, to tear some assumed meshes of law from Protestant dissenters, and to catch Catholics in the shreds. This was the "blind jump." It was so very blind, if not on the assembly's part, at least in Seymour's eye, that the penal trammels of law, which the dissenters in Maryland were to cast off, and the Catholics to put on, had been made for England before Maryland was seated. Only two of the acts cited had been passed afterwards;<sup>7</sup> and they concerned members of Parliament.

A contemporary lawyer analyzed this constructive fraud of the governor. He said: "So the bull-dogg was to be chaind up in the dark; and to lett him loose, as the few managers thought fitt." But he added: "Tho' the managers designd to lett loose all the penal laws against Catholicks; yet it seems they have not effectually done it. For, if so, all Catholicks of Maryland wu'd be easily proved guilty of high treason, according to the laws of Elizabeth, and consequently loose their lives and forfeit their lands—which none of the Assembly ever designd, or thought of; or at least very few." If it were objected that, after all, this Maryland act of March, 1706, was designed of itself to place Catholics under all the penal laws of Elizabeth and the early Stuarts, the lawyer answered that "whatever the intent of some few managers was, yet the law itself does not do it; for the title of the law regards only Protestant dissenters." Even if the letter of the statute seemed to comprise them, the mischief to be remedied did not; and therefore they were out of the meaning of the law, particularly as this was penal in its purport.<sup>8</sup>

Like the Maryland lawyer, the attorney-general in England, E. Northey, dismissed the penal law of 27 Elizabeth, ch. 2, against Jesuits,<sup>9</sup> as having no relation to Maryland; for the reason that the province was not yet in existence; though he did consider that the great anti-Popery law of 11 William III. extended to the plantations without re-enactment.<sup>10</sup> Substantially, Seymour himself agreed with the attorney-general's opinion. He said in relation to a certain act: "It was absolutely necessary to enact such a law here, the words of

<sup>7</sup> 25 Car. II., 30 Car. II.; the two Test Acts. See *supra*, pp. 95, 96.

<sup>8</sup> Md.-N.Y. Prov. Arch., *portf.* 3, "A Case, Whether the Penal Laws of England be in force in this province, by an act of Assembly made in 1706, 5th of Hon. Seymour Govt"; pag. 54 of our Laws book"; 2 pp. fol., contemporary.—Probably it is a consultation of Charles Carroll's, for Father W. Hunter's service.

<sup>9</sup> Cf. *History*, I. 90, note 20.

<sup>10</sup> P. R. O., *B. T.*, *Md.* 4, G. 10, "Mr. Attorney Gen<sup>l</sup>'s report," received October 23, 1705, relating to Seymour's account, September 29, 1704, about Hunter and Brooke.

the said acts of Parliament not being so plainly expressed to extend to this province; so that the only mistake I observe in this law is, that it is not altogether so concurrent with the title, or rather the title with the law." <sup>11</sup>

§ 203. Meanwhile, the work of the Jesuits stood out clearly enough in the correspondence of this governor. He wrote: "The six or seven hundred Papists in the south-west parts of the province, and Lord Baltimore's relations and agents there, who are chief among the Papists, being continually supplied from Europe with Jesuites, who have houses and lands of great value set apart for their maintenance here, have now not less than ten of that sort among them; who use all their sly and assiduous endeavours to promote their superstition, run about the country, make proselites, and amuse dying persons with threats of damnation, &c., and thereby give great offence and scandal to her Majesty's government here." <sup>1</sup> His government, he said, was "very uneasy." The first reason for this lay in the circumstance of "the Lord proprietor and his agents and a greater many of his and their relations being Roman Catholics, and constantly providing and maintaining several busie Jesuits." One of

these Jesuits "had the confidence to tamper with one of  
 Converting the governor's my domestiques." <sup>2</sup> A poor sick maid, "when almost  
 own maid. dying," as her master Seymour described her, was not to

be allowed the use of private judgment. And, with a fine fastidious sense for detecting Christianity in the air, he berated and menaced Father Thorold with dreadful things, for having christened a child, "in a Protestant house, in this town of Annapolis, just under his nose!" <sup>3</sup>

The governor's position was difficult, and his government, as he said, was very uneasy. Speaking about the affair of Hunter and Brooke, he wrote to the Lords of Trade: "I must acquaint you, that my Instructions in this point are different from what other governours here have had; theirs being to admitt a liberty of conscience to all who behaved themselves so as to give no occasion of scandall or offence to the government; but myne, to all such but Papists, whom I take to be expressly excluded from that tolleration." <sup>4</sup> His fidelity

<sup>11</sup> P. R. O., *B. T.*, *Md.* 4, "The Governors Remarques upon the Laws of Maryland," p. 4, about the Act of Religion.

<sup>1</sup> *Ibid.*, G. 10, Seymour, September 29, 1704, to Bd. Tr.

<sup>2</sup> *Ibid.*, H. 98; March 10, 1709.

<sup>3</sup> Russell, p. 389, 390; June 9, 1708; from *Arch. Md.*, xxv. 241.

<sup>4</sup> P. R. O., *B. T.*, *Md.* 4, G. 10.—Cf. *B. T.*, *Md.* 10, *Entry Book B.*, p. 200, Seymour's Instructions: "You are to allow a liberty of conscience to all persons (except Papists)," etc. Old Catholic Maryland had now come down fairly to the level of the other colonies.

to this instruction was beyond reproach. Yet, he complained, when he did suffer the suspending law to pass, after having retrenched it and new-modelled it, "with an entire submission to her Majestys royall pleasure," he was assaulted for Popish propensities: "A renegado Romish priest of most scandalous life and conversation has been very free in dispersing a libell, taxing me to be a favourer of Papists, and governed by them; but in this the generall Assembly has done me publique justice which appears on their journals, and I have the satisfaction of being assured, none that I have the honour to be knowne to can justly entertaine so mistaken and groundless an opinion of me." <sup>5</sup>

The governor himself "a favourer of Papists."

<sup>5</sup> P. R. O., 558, f. 142, Seymour, July 3, 1705, to (Sir C. Hedges).

Whatever may be thought of Seymour's phrase: "A renegado Romish priest of most scandalous life and conversation," as if he thought that a convert to Protestantism was a renegade, or, in vulgar phrase, a "runagate," and as if the renegade himself had thought that Catholicism was not the proper habitat for such conversation and life, we merely note that about this period there occur the names of two persons, who were said to be priests and to have left the Catholic Church. Happily, they were at a sufficient distance from Seymour's time, before and after, to escape a direct imputation of squaring with Seymour's theory, or the renegade's practice. One, John Urquhart, had appeared in Southampton, Long Island, in 1681, and, at the head of the Quakers, "molested" the Rev. Seth Fletcher, Presbyterian pastor. This Urquhart of Scotch extraction was a schoolmaster, and, said Fletcher, "had been a Popish priest" (*Researches*, vi. 188; from *Hist. Magazine*, March, 1868, p. 140). Another, at about an equal distance from Seymour's date, but subsequently, was Mr. Black, operating as a minister in New England. H. Harris wrote to the Bishop of London, in 1728, complaining that Black was being instigated by Mr. Cheekley to bid for the place of the Rev. Mr. Myles, before the said incumbent was dead. Now Cheekley himself acknowledged that Black "was educated in a Roman Seminary at Doway" (Fulham Pal. Arch., Harris, Boston, January 26, 1728).

Too transient or too remote to bid for the honour of being Seymour's "renegade" were Durant and Houdin. John Durant was a Huguenot-Catholic-Recollect-Anglican, whom Governor Burnet of New York introduced to the Lords of Trade (Brodhead, v. 586, 587; July 12, 1721). The story of Michael Houdin, formerly known as Père Potencien, affords us incidents of domestic as well as ecclesiastical appointments, when once he had got lodged out of Canada (1750-1766). He officiated as an Anglican minister at Trenton, N.J., and New Rochelle, N.Y. (O'Callaghan, iii. 954-957.—*Researches*, xxii. 298-299). About the same time as Houdin there was an O'Hara (Newport, R.I.), said to have been a Catholic priest in Ireland (Fulham Pal. Arch., "Papers relating to Pa., N.E.," etc.). But in all these matters there is a wide margin to be allowed for the apocryphal, and the efforts to gratify little people by belittling the great. Thus, where there seems to have been no question of a renegade, but of Father Lacorne, missionary at the Miramichi mission, we are treated to this specimen; that he was "better known by the nickname of Captain John Berthe. In truth, there was nothing of his Order about him but his coat; he was a trader; visited Quebec in his own sloop, navigated by himself, only to sell his goods and purchase his supplies." So far, this is just the kind of thing that Frontenac had said of the Jesuits. But it continues in a more spely style: "When he had acquired vast sums of money, he abandoned his mission, and applied for leave to return to France on pretext of ill health. Meanwhile, his money enabled him to keep a carriage; he mixed in ladies' society, and thought no more of his convent. He went to France (in 1757), where he became secularized.—*Collections of the Quebec Literary and Historical Society*, 1838, p. 82; *Smith's History of Canada*, i. p. 246" (Brodhead, x. 17, note). Naturally, there is need of something more substantial than the scum of such gossip, to rate the merits of a Friar Recollect, and a missionary.

On the fitting of clerical characters, of whom prefects apostolic in the West Indies complained, see *infra*, p. 572, note 3.

His loyalty to Queen Anne was as unimpeachable as his fidelity to her instructions about Papists; she was God's Vicegerent upon earth. He said in a speech to the Assembly, persuading them not to be anti-monarchical: "As I have allways studied loyalty to God Almighty's Vice-Gerent on earth with all sincerity and friendship, I would gladly inculcate that honourable principle into the minds of every gentleman here present"—towards the female Pope.<sup>6</sup>

But he knew and said that this was hopeless; for the gentlemen were not there. Councilmen and delegates were present, the Papist gentry absent. "As there was not a person of liberal education that appeared there," he wrote in 1709, "it was too difficult a task for me to graft good manners on so barren a stock."<sup>7</sup> He said of the attempt at education some fifteen years before, that "the pretence of fostering learning, etc., by free schools, in 1694, came to nought."

And now they went so far as to shut out "ingenious" Englishmen from all posts of trust, until a statutory condition of three years' residence should have been fulfilled.<sup>8</sup> The consequence was dreary. "In the space of fourteen years," he said, "there are scarce fourteen [*English*] men who have undergone that tedious disability. So that the natives, who are ignorant and raw in busieness, and naturally proud and obstinate, are not only the representatives in Assembly, but the justices of the county courts; and, by the name of country-borne, distinguish themselves from the rest of her Majestys subjects, and run into great heats and divisions; which may be of ill consequence, for, as they know little of the laws and good manners, they practice less." They alone were qualified to act on juries, and to enjoy the posts which paid.<sup>9</sup>

Thus, from the foreign-born "ingenious Englishmen" the proud natives distinguished themselves no less, by the name of "country-borne," than by the name of Protestants they distinguished themselves from the Catholic country-born natives.

While royal Instructions, issued from London, might possibly be interpreted to discriminate against Englishmen in favour of Americans, the Americans discriminated against other natives, if Catholic, in favour of themselves.<sup>10</sup> In Maryland, the Papist gentry

<sup>6</sup> P. R. O., *B. T.*, *Md.* 19, Journal of the Council, November 29, 1708, p. 3.

<sup>7</sup> *Ibid.*, *B. T.*, *Md.* 11, p. 150, Seymour, March 10, 1709, to Bd. Tr.

<sup>8</sup> Cf. McMahon, p. 156, note.

<sup>9</sup> *Ibid.*, *B. T.*, *Md.* 5, June 10, 1707; March 10, 1709, D; Seymour to Bd. Tr.

<sup>10</sup> "All places of trust shall be in the hands of natives: Islands, [*Instructions*, §] 15; Continent, 15; Proprieties, 14" (Brit. Mus. MSS., *Add.* 80, 372, f. 13; "Abstract of the Instructions relating to the Acts of Trade and Navigation"). But 7 & 8

were, indeed, still employed by Lord Baltimore in the administration of his landed property; but this extraordinary privilege of Papists, that they might be used by a landholder to manage his private estates, became the object of assault; and Governor Hart resigned his office, or was turned out, because he would not submit to such an indignity.<sup>11</sup> The Catholics could not be stripped of their liberal education, which, during the eighteenth century, became more and more exclusively a Papist distinction of the St. Omer's gentlemen and of Jesuits; although, from the time of the Orange Revolution till the American Revolution, the right of Maryland Catholics to dare cross the ocean and avail themselves of St. Omer's culture was persistently attacked, in the legislative assembly and outside. One thing could be done, and was effected. The intellectual and moral pre-eminence of the Papists, besides being singled out to bear a double share of the common provincial taxes, was extruded from every public post, station, and emolument in the colony; and, though three years of residence satisfied the requirements of an "ingenious Englishman" if Protestant, and the mere sight of a new-comer was commendation enough, if he were a convict or a runaway debtor, not the lifetime of a Catholic gentleman, nor his ancestry "country-borne," satisfied the fastidious tastes of the sect, whether lay or clerical. The St. Omer's Jesuits, albeit "country-borne," were a legitimate target at all times, both in their property and their personal liberty, as we shall see presently. *Sinistra in eminentes interpretatio*, said Tacitus, *nec minus periculum ex magna fama quam ex mala*. Persons above the level are looked at askance; and they must pay the price of eminence, as if it were a crime.<sup>12</sup>

§ 204. Irish Papist servants, who, if admitted amid a population of 33,883, would have increased somewhat the Catholic element of 2974,<sup>1</sup> were excluded from the Maryland preserve by repeated legal enactments, during the long period, 1696 till 1773. A tax of twenty shillings a head was imposed

Irish Papists  
dutiabie in  
Maryland.

Gul. III., c. 22, clearly makes "natives" to be those of "England, Ireland, or the Plantations."

<sup>11</sup> *Infra*, p. 487.

<sup>12</sup> The same idea of Tacitus was otherwise expressed to the General of the Society, apparently by the Sovereign Pontiff, Alexander VII. (Chigi), whose disfavour seems to have been apprehended: "*P. Eduardo Courtnaeo, Provinciali* . . . *Extremum illud, quod in § ultimo timeri posse ait R. V., credo timeri non debere. Praeclare sentit ille de Societate, atque ex hoc ipso capite argumentum ducit, causam odii atque invidiae non esse nisi magnum aliquid, quod mali in bonis oderint*" (*Anglia, Epist. Gen.*, the General Nickel, January 14, 1662, to Courtney, Provincial).

<sup>1</sup> P. R. O., B. T., Md. 5, H. 74, Seymour, June 28, 1708, to Bd. Tr.—For 1707, the population of Maryland, he said, was 33,883; viz. "7090 Christian men; 6825

as a duty on every Irish Catholic imported (1704); and in Governor Hart's time (1717) the duty was raised to forty shillings, with a fine of £500 for evading the duty. There was a similar duty on negroes. But all Protestant servants came in free. All convicts likewise came in free to Maryland, twenty thousand of them; and, during a period of twenty years (1750-1770) they arrived at the rate of three to five hundred annually.<sup>2</sup> Of such Protestant servants the house of delegates under Seymour heard "how busy those of the Roman communion were to make proselytes of poor Protestant servants, gotten into their hands by any sinister means whatever"; so, says Seymour, "they immediately resolved that a bill should be prepared to forbid the sale of any Protestant servants to any of the Romish Church."<sup>3</sup> In 1772, all foreign Protestants, whether naturalized already, or to be naturalized in the future, were vested with all the rights and privileges of natural-born subjects.<sup>4</sup>

Like the presence of "Jesuites and other felons," as Seymour expressed himself, so the peril of Catholic servants living in the homes of Catholic masters, or bringing religion into the houses of Protestants, raised a host of disquieting images. The helpless ministers, in 1698, had sent their lament to the Bishop of London about "great numbers of Irish Papists

Disquieting  
dreams about  
them.

Christian women; 12,808 children; 8008 white servants; 4657 slaves." But, as in the last number, the 5 was substituted for 0 above the line afterwards, the total should be 83,888. The distinction between children and adults seems to have been drawn at the age of 16.—*Ibid.*, H. 79, "Number of Roman Catholics," etc., from Seymour, September 7, 1708.—Cf. Scharf, i. 870, note 3.

<sup>2</sup> Du Bois, p. 14, note 8.—McCormack, pp. 80, 81, 98, 99.—Scharf, i. 871, 872.

<sup>3</sup> P. R. O., B. T., Md. 5, H. 22, H., Seymour, August 21, 1706, to Bd.Tr.—The bill was "clogg'd," says Seymour, "with another clause to inhibitt all white servant women from working in the tobacco croppes, which I was advised would be of diminution to her Majestys revenue; therefore could not consent to it." This passage and others reveal a good deal. The white woman sacrificed to the revenue; the Protestant servant inhibited from thinking for himself; the sick dying maid in Seymour's house forced to die without more religion than her gang-master; the governor himself on his knees before "God Almighty's Vice-Gerent upon earth"—a woman across the water,

"Stuck o'er with titles, and hung round with strings,"

whose favouring smile he was hanging on unto promotion;—everything on the American side was hardening into slavery, with the residual instincts of slaves, or servants, or convicts. So, as we mentioned before, the Rev. Jonathan Boucher said on "American Education," in a discourse intended for Portobacco, Maryland: "None are more apt to be insolent and tyrannical than those who, having been slaves, suddenly become possessed of freedom and authority over slaves." (See *supra*, p. 480.) From them, men of the flunkey sort were but one remove. See the Nova Scotia specimen given above, in the person of Governor Charles Lawrence (p. 180, note 24).

<sup>4</sup> P. R. O., 201, pp. 208, 209, Lord Dartmouth, November 4, 1772, to Governor Eden, inquiring how this act, "cap. 1," could be construed to agree with the limitations imposed by a statute, 18 Geo. II., c. 7. Eden, January 29, 1773, explained the act away by eulogizing the German immigrants, and citing the example of Pennsylvania (*Ibid.*, 202, pp. 175-179).

brought continually into this province, and many Irish priests being suspected to be coming incog. amongst us (as having no better place of refuge in the king's dominions) upon their being banished from Ireland." <sup>5</sup> They seemed to imply that Irish priests, hunted out of Ireland, ought to find not a single refuge on earth. <sup>6</sup> Governor Nicholson had described at length to the Lords of Trade his dream of the Irish Papists, possibly "confederate with the negros," retiring to the swamps of Maryland and Virginia, and setting up an American republic. <sup>7</sup> Sir Thomas Lawrence, secretary of Maryland, wrote that the Irish Papist servants, "when they come to be free [*from their indentures*] will no doubt be troublesome enough, and greatly strengthen and promote the interest of the Roman party"; and he asked in distress, "what will be the consequences?" <sup>8</sup> Seymour now pointed to the root of the evil, "the soyle being in the Lord Baltimore, whose agents give great encouragement to their [*the Irish Papists*'] seating here"; and Mr. Charles Carroll, in particular, has been active. This governor hinted at some more radical measures than mere duties per poll, to keep Catholics out: "Unless something more effectual be ordered by her Majesty, this province will by farr have too large a share of them, who in some few years may prove very dangerous." <sup>9</sup> The mere presence of the Protestant Brooke in the council, tainted as that gentleman was with a remote suggestion of Popery, offended the fine sense of the governor, or at all events obstructed the presence of some more genuine creature. He asked for the removal of "Mr. Thomas Brooke, who has two owne brothers Jesuites in the province, and himself but a late convert [*to Protestantism*], and still a favourer of that party." <sup>10</sup>

So, leaving all the generalities about the Jesuits' "insolencies"

<sup>5</sup> Perry, *Md.*, p. 12.—*Cf. supra*, pp. 120, note 15; 198, note 9.

<sup>6</sup> With this compare Father George Hunter's observation to the Provincial Corbie in 1760: "By a late letter from my brother, I understand he has engaged one Sutton at Hilton [*Rome*] to petition for this country. I do not see his name can hurt him, but I fear his country may, as my brother tells me he is an Irishman; therefore if he comes, as indeed I hope he will if you judge him duely qualify'd, I must begg you'l caution him against discovering his country" (*Md.-N. Y. Prov. Arch.*, G. Hunter's letter book; October 1, 1760.—*Cf. infra*, p. 511, note 5).

<sup>7</sup> P. R. O., *B. T.*, *Md.* 3, pp. 507, *seq.*; Nicholson, August 20, 1698, to Bd. Tr., pp. 14, 15.

<sup>8</sup> *Ibid.*, *B. T.*, *Md.* 4, Lawrence, October 25, 1708, to Bd. Tr.

<sup>9</sup> *Ibid.*, *B. T.*, *Md.* 5, H. 14. M, Seymour, to Bd. Tr.; received June 12, 1706.

<sup>10</sup> *Ibid.*, H. 41. L, Seymour, June 10, 1707, to Bd. Tr. By order of the Privy Council, T. Brooke was removed from the Maryland council, because he never attended (*Ibid.*, H. 66, February 15, 1708), a reason which Seymour had suggested. In submitting the name of a creature, Seymour said: "I humbly propose Colonel John Contee to be one [*member of council*], who lives in the midst of the most considerable Papists in Charles county; and presume your Lordships will judge it reasonable to have a person of spiritt and authority, where there is so absolute an occasion."



and "extravagancies," about Papists setting up an American republic, about their having "an illegall correspondence somewhere," and "listening for the success of the Pretender,"<sup>11</sup> we may dismiss this American campaign; but not without adding a touch of local colouring to the picture. A contemporary said of these governors who "came to fleece" and "to raise their own fortunes": "They impose and require such oaths and conditions to qualify for office, that the Quakers and Roman Catholics are excluded from places; though, for sixty years, fidelity to his lordship was the only requisite. This was the first and open breach of our constitution, and directly contrary to our above-cited fundamental law; tho', as to all other rights and privileges, both the Quakers and Roman Catholic[s] held their usual and equal share for fourteen years longer, that is, till 1704; when Governor Seymore, out of a pique against some private persons of the Roman Catholics (who, when the governor had modestly demanded a purse well lined, had the indiscretion or impudence, as it was then deemed, to refuse the same) resolved, Haman-like, for one Mordekæus, to ruin all. Hence he puts his engines to work, and at length brings forth an act, entitled: 'An Act against the Growth of Popery,' which might have been more justly styled, An Act to extirpate Popery, root and branch; because thereby their clergy was forbid all exercise of their functions, and consequently the whole body was debarred of the use of their religion."<sup>12</sup>

§ 205. On being made the recipients of such copious elegies from Maryland about the Jesuit evil, the Lords of Trade, the Queen's Privy Council, the attorney-general and solicitor-general, all became engaged in earnest efforts to alleviate Governor Seymour's distress, and to relieve the colony of the Jesuits. Twice, in 1705 and 1707, they set themselves to apply decisive measures. A third time in 1709, when the distressed governor poured forth his lamentations again about the "several busie Jesuites" making "many proselites," we do not know what desperate remedy might not have been applied to the mischief, had not the governor's death removed the mischief in its root. Beyond being apprised of the original facts that Father Hunter had blessed a chapel, and that Father Brooke had said Mass, never once did my lords ask for any specification of

<sup>11</sup> P. R. O., *Ibid.*, H. 76. F., Seymour, September 7, 1708, to Bd. Tr.—Against this threatening peril, Seymour says that he has taken the census of the Catholics and the province, as reported *Ibid.*, H. 79. Cf. *supra*, p. 463, note 1.

<sup>12</sup> Georgetown Coll. MSS., "Liberty and Property" (ff. 16); pp. 20, 21. Cf. *infra*, p. 650.

the insolence and extravagances, the offence and scandal to her Majesty's government, and the "illegal practices," all of which his Excellency laid to the account of the Jesuits.

Communicating to Sir Edward Northey, attorney-general, an extract of Seymour's letter (September 29, 1704) concerning the practices of the Jesuits, and the misdemeanours of Hunter and Brooke,<sup>1</sup> their lordships asked, "whether the lawes of England against Romish priests are in force in the plantations, and whether her Majesty may not direct Jesuits or Romish priests to be turn'd out of Maryland." The more elementary question they omitted to ask: What the misdemeanours were? Accompanying the reference to the attorney-general was an extract from Lord Baltimore's charter, relating to ecclesiastical power in the province. The extract concerned advowsons, the power to erect and consecrate churches, and palatine rights in Maryland such as the Bishop of Durham had in his county.<sup>2</sup> Upon this extract, the attorney-general gave it as his opinion that, the Bishop of Durham being subject to the laws of England, "the consecrations of chappells ought to be as in England, by orthodox ministers onely." That, no doubt, was correct, but entirely beside the Maryland question. Father Hunter's chapel, just like any room which he might bless in a private house for the celebration of Mass, was neither a parish church, nor a chapel of ease, nor anything known to English law. As to the question whether the laws of England against Popish priests had force in the plantations, the attorney-general considered that none were in force, except the anti-Popery law of 11 William III., for the preventing the further growth of Popery.<sup>3</sup> He continued: "As to the question, whether her Majesty may not direct Jesuits or Romish priests to be turn'd out of Maryland, I am of opinion—If the Jesuits or priests be aliens, not made denizens or naturalized, her Majesty may by law compell them to depart Maryland; if they be her Majestys naturall born subjects, they cannot be banished from her Majestys dominions, but may be proceeded against on the last before-mentioned law" [11 *William III.*].<sup>4</sup>

The Lords  
of Trade  
agitating the  
expulsion of  
Maryland  
Jesuits.

Hereupon the Lords of Trade submitted a representation to the Queen in Council. The first of the six who signed this official communication was Henry Compton, Bishop of London; the last, Matthew

<sup>1</sup> *Supra*, § 201.

<sup>2</sup> *History*, I. 177, 237-239, 444.

<sup>3</sup> Cf. *supra*, p. 459, note 10.

<sup>4</sup> P. R. O., B. T., *Md.* 4, G. 10, attorney-general's report, October 17, 1705, answering the Bd. Tr.

Prior, the poet; and between the two there came naturally the name of W. Blathwayt, who in the Privy Council chamber and at the Board of Trade, ever since Charles II.'s time, was an experienced hand at trade, Popery, and especially anti-Popery. On the Jesuits, they merely rehearsed Seymour's language; so too on the Papists. Whatever the man had written on such subjects seems to have been taken as inspired with inerrancy, and sealed with veracity. As they could not do anything in the premises, nor the Queen either, they told of a discreet move which they had made. They had shifted the matter

Flanking the  
Jesuits  
through Lord  
Baltimore.

over to Lord Baltimore's shoulders. "We have discouraged," said they, "with the Lord Baltimore, proprietary of that province, thereupon, and represented to his lordship the great mischief and ill consequence of such proceedings; who hath promised us to write to his friends and agents, that they do not intermeddle in the making of any proselites, and that the Papists shal for the future demean themselves without offence, and with all due respect to the government." They mentioned two Maryland acts which they would speedily lay before her Majesty—one, that against the growth of Popery; the other, the suspending act (October 3, December 9, 1704).<sup>5</sup>

Lord Baltimore had to write his letter; and it is a peculiar production. What the Queen could not do he was to do, at least on paper; he was to assume the right of expelling the Jesuits from Maryland; and, more than that, to arrogate the right of confiscating their property, if they were expelled. The copy, deposited with the Board of Trade, "received, read, January, 1706," runs as follows:—

"GENTLEMEN,

"I have had commands sent me by the Rt. Hon<sup>ble</sup> the Lords Commission<sup>rs</sup> for Trade and Plantations to attend their board,

Baltimore on  
expulsion and  
confiscation.

where a letter from Collon<sup>n</sup> Seymour, her Ma<sup>ties</sup> governour of Maryland, was read to me, signifying many irregularities, you and those of your Society have bin guilty of in that province; particularly your indiscreet zeale by intruding into Protestant families, and there giving great disturbance to people

<sup>5</sup> P. R. O., B. T., *Md.* 10, pp. 340, § 7, 343, § 15, Bd. Tr., November 29, 1705, to the Privy Council.—*Ibid.* 345, W. Popple, secretary of Bd. Tr., December 5, 1705, to Northey, transmitting the two acts, and inquiring about the Queen's power to continue the suspending act beyond the eighteen months.—*Ibid.*, pp. 348, 349, Northey, December 19, 1705, replies that the Queen's action or inaction has no efficacy in the premises; the American act expires, in every case, after eighteen months. This affords a commentary on the Maryland Government's self-effacement, in divers circumstances of the anti-Popery campaign. See *supra*, pp. 443, 444, 458.

on their death beds. Such actions as these, I assure you, have given great offence; and, if you are not very carefull to avoyd the like for the future, you will give just occasion for your removall out of that province; and then you will not only forfeit what you have there, but the Catholicks, whom (as I take it) you are only there to assist and serve, will be depriv'd of the means of serving God; which will be a great affliction to them as it will be a great trouble to me, after this admonition given you by,

“Gentlemen,  
“Your freind.

“Decemb<sup>r</sup> the 14<sup>th</sup>,  
1705.

[*Endorsed*] “To Mr. William Hunter and those of his Society in Maryland.

“*Ex<sup>d</sup>.*”<sup>6</sup>

To interpret this letter of Charles Lord Baltimore, we must consider that it was for exhibition at the Board of Trade. What his lordship's own sentiments were, may be gathered from an instruction to Charles Carroll (September 12, 1712) to the effect that this agent of his and receiver-general in Maryland should continue to pay annually, among “the several allowances heretofore by me made to the several persons and officers hereinafter menconed, viz. . . . to Mr. Robert Brooke, and the rest of his brethren, being in all eight persons, one thousand pounds of tobacco each; in all eight thousand pounds. To Mr. James Haddock [*Franciscan*] one thousand pounds.”<sup>7</sup>

Baltimore  
stiffening the  
Jesuit sinews  
of war.

§ 206. Now the tide of war against the Jesuits in Maryland rose higher; and not merely from the quarter of the Board of Trade. It was swollen from the side of the Privy Council. This high authority was, moreover, made to contemplate the scene of Irish Papists flowing into the menaced colony. Governor Seymour piped; and everybody in London danced. Sir Charles Hedges, Secretary of State, wrote to the Lords of Trade; the Lords of Trade to Sir Simon Harcourt, solicitor-general; then, no answer having been received, an urgent letter followed to the same Harcourt, “some ships being now ready to

The Privy  
Council  
directing  
operations.

<sup>6</sup> P. R. O., *B. T.*, *Md.* 5, H. 2.—Copied into entry-book, *B. T.*, *Md.* 10, pp. 359, 360.—Copy sent to Seymour, *Ibid.*, 370, 371; February 4, 1706.

<sup>7</sup> Kilty, p. 129.—At the valuation of tobacco some ten years later, 1000 lbs. tobacco were equal to £5 sterling. See *infra*, p. 511, note 5.

sail for Maryland, and a determination thereupon being absolutely necessary." The reference to the solicitor-general, February 25, 1707, was in these terms: "Whether her Majesty may not direct the governor of that province to issue a proclamation, directing the two Jesuites mentioned in the said extract to withdraw out of that government by a stated day." But, on February 24, the day before they asked the Crown lawyer whether it could be done, they had again invited Lord Baltimore to do this very thing; sending him "the enclosed paper, for your writing to Maryland thereupon, as your Lordship may see proper; and to desire that your Lordship will be pleased to let them have your answer to the first head contain'd in the said paper." The enclosed paper ran as follows: "To know how many Irish servants have been carry'd to Maryland, within three or four years past. They were promis'd a free toleration. They make proselytes of Protestant servants. William Hunter and Robert Brook to be sent out of the province." At the same time, Mr. Secretary Hedges was plying Sir Edward Northey the attorney-general for an opinion, whether the laws of England did not take effect in the plantations, though no express mention was made of the colonies; and for this a copy of Lord Baltimore's charter was demanded of the Lords of Trade.<sup>1</sup>

There were more clamours from Seymour about the Jesuits making converts, about his own woes in consequence, as well as those of "ingenious" Englishmen, who were under disabilities in making a colonial fortune. The whole tone of his lamentation (March 10, 1709)<sup>2</sup> was that of a querulous, sick man. Then some four months later he died, as the council reported, "after a long lingering indisposition of continued feaver."<sup>3</sup>

But his state papers remained. When Mr. Blathwayt, in the name of the Board of Trade, pleaded with Lord Dartmouth against Lord Baltimore's rights to recover his government, the gentleman referred with solemnity to the complaints of the Protestant inhabitants in Maryland against the Papists, "even under the governors

<sup>1</sup> P. R. O., B. T., Md. 5, H. 14, received June 12, 1706; Seymour on Jesuits and other felons; also on Irish Papists.—*Ibid.*, H. 17, Hedges, June 28, 1706, to Bd. Tr., conveying the foregoing extract.—*Ibid.*, H. 18, same to same, September 5, 1706, desiring copy of charter.—*Ibid.*, Md. 10, *Entry-Book*, B., p. 393, W. Popple, July 2, 1706, to Harcourt, on Md. act and English laws, relative to the growth of Popery.—*Ibid.*, Hedges, September 17, 1706, to Bd. Tr., on the laws of England taking effect in America.—*Ibid.*, 415-417, Popple, February 24, 1707, to Baltimore; February 25, to Harcourt, on the Jesuits.

<sup>2</sup> *Supra*, p. 460, *ad* note 2.

<sup>3</sup> P. R. O., B. T., Md. 11, pp. 158, 159, the council, August 31, 1709, on Seymour's death, July 30.

of the Crown," and there was "the countenance presum'd upon by the Popish missionaries there—as many letters to be found in the office of the Lords Commissioners of Trade and Plantations from Coll. Seymour and other governors may more fully explain."<sup>4</sup> These persons were governors. As Mr. Bacon explained to Queen Elizabeth, the lightness of their qualities, moral or otherwise, was compensated for by the weight of their post; and their papers, thus weighted, were accepted by my lords upon simple trust.<sup>5</sup>

Papers and men—light weights and heavy.

It was less than a year after Seymour's death that Father Killick wrote to Father Kennett, saying with unconcern: "We have no news worth your hearing from these parts; only that, since the late governours death, we live very peaceably. God send us a good one in his place."<sup>6</sup> Herein Killick's hopes were not fulfilled. The world had still some light material in reserve, to be weighted by the heavy office.

§ 207. At this time, Father Thomas Mansell was obtaining by purchase an estate of nearly one thousand acres, called Bohemia in Cecil county, at the north-eastern extremity of Maryland. One

<sup>4</sup> P. R. O., B. T., Md. 6, I. 37, Blathwayt, under the direction of the Bd. Tr., March 10, 1711, to Dartmouth.—Baltimore's rights to the government were all acknowledged, and no legal bar stood in the way of his enjoying them. Against this act of justice the argumentation of Blathwayt, as just recorded, was trivial. So the gentleman went on to add another, that of the injustice having prevailed so far: "what is now desir'd by the Lord Baltimore" had been "as constantly refus'd by the late king." This, which ended the argument, was no less trivial. Whereupon he subjoined a postscript, which was effective; to wit, that no faith should be kept with Papists in observing contracts and charters:—

"P.S.—If Mr. Blathwayt remembers right, as from the books of the Plantation Office it may best appear, severall Attorneys Generall and other of her Majestys learned Councill have given it under their hands, that in exigencies of State, and where it may tend to the more safe government of any the dominions of the Crown, the prince may in the fulness of the regal authority appoint such governors of the same, as shall be found most conducing to the publick good and welfare of that countrey. March the 7<sup>th</sup>, 1710–11."

Some twenty-five years afterwards, a summarist of the Board of Trade sketched such antecedents of Maryland in a few words; that, in the Commission and Instructions of Colonel Copley, first royal Governor of Maryland, "there are several curious precedents for seizing of governments, in cases of defects of the administration" (Brit. Mus. MSS., Add. 80,972, f. 25<sup>v</sup>).

<sup>5</sup> Queen Elizabeth said once to Mr. Bacon, that she was "like one with a lanthorn seeking a man" to fill some great post or other. The sage gave her to understand that, if she put some one in, the post would fill out the man. Office, he said, was like Our Lady's beads. He had seen on a church wall the picture of St. Michael, weighing the good and bad deeds of a certain soul under judgment. The good deeds were all too light. "Then was Our Lady painted with a great pair of beads, casting them into the light balance to make up the weight; and brought down the scale. So, he said, place and authority, which were in her [*Queen Elizabeth's*] hands to give, were like Our Lady's beads; which, though men through divers imperfections were too light before, yet when they [*place and authority*] were cast in, made weight competent" (Francis Bacon, *Apophthegms*, 65).

<sup>6</sup> *Supra*, p. 497.

hundred and fifty of these acres had been granted as a bequest; the rest was bought in a very systematic way, piece by piece. This was from 1704 to 1714. Some eight years afterwards (1722) the same Mansell enlarged this estate with an accession of six hundred acres, which he purchased. When a final addition came to be made by Father Attwood in 1732, Bohemia manor consisted of about 1700 acres.<sup>1</sup>

Cecil county where Bohemia lay was the most sparsely populated of the twelve Maryland counties; and its Catholic population was almost as scanty as that of Kent or Calvert county. The whole body of settlers in 1712, men, women, children and negroes, consisted of barely more than 2000; and there were only 49 Catholics registered for 1708.<sup>2</sup> In St. Mary's county for the same time, there were 1238 Catholics amid a population of 4090, and in Charles county, 709 among 4007 colonists.<sup>3</sup> It was in these latter districts that the Fathers had exercised their ministry from the first. They had bought the plantations at St. Inigoes and St. George's Island, besides the Chapel Land in St. Mary's city; all amounting to 3400 acres. They had also St. Thomas's Manor of 4000 acres; and Britton's Neck, or Newtown, of 700 acres.<sup>4</sup> All these parcels of property supported missionary stations, and were on the Potomac. Now, by the acquisition of Bohemia, the Fathers were branching off northwards to the most remote part of the province, on the eastern shore of the Chesapeake.<sup>5</sup> As the exigencies of the ministry among 49 Catholics in this north-eastern corner did not call for an investment in the large estate at Bohemia, some other motives were operating. It is true that in this quarter the mission was favoured with land settled on them by bequest. One hundred and eighty-five acres at Bohemia were an accession, and the only one which came by gift, among the 9133 acres of the entire missionary foundation in 1727.<sup>6</sup>

The motives for settling in the north-east of Maryland seem

<sup>1</sup> Documents, I. Nos. 28, 38, 41, 48, 49, 82, B.

<sup>2</sup> Scharf. i. 370, note 3; 377.—Cf. McCormac, p. 21, where he records that, by patent dated June 11, 1680, councillor George Talbott, of Castle Recovery, Roscommon Co., Ireland, received 82,000 acres in Cecil Co., for having transported 640 persons in twelve years.

<sup>3</sup> Scharf, *loc. cit.*—The whole population of the province in 1708 was over 40,000; in 1712, over 46,000. At the end of the preceding century, 1699 or 1700, the number was 90,000; of whom 8000 were Quakers, "a smaller number of Roman Catholics," and about 8000 negroes. (*Md. Hist. Magazine*, ii. 165, H. F. Thompson, "Maryland at the end of the seventeenth century.")

<sup>4</sup> Documents, I. Nos. 24-27, 81, 32, 35, 89, 47-49.

<sup>5</sup> See the map at end of volume.

<sup>6</sup> Documents, I. No. 28, p. 209; Nos. 86, 48, 49.—Cf. *Records*, xxiii. 97-139, E. I. Devitt, "Bohemia Mission of St. Francis Xavier, Cecil Co., Md."

obvious. If the Fathers meant to organize an educational institution, it was necessary to withdraw from observation, and screen themselves from legal prosecution for having undertaken to teach. At Bohemia the most formal attempt came to be made in the way of commencing a college. Another motive is suggested by the proximity of Cecil county to Philadelphia. The prospects in Pennsylvania were less repellent than in Maryland, where the social atmosphere was becoming more and more suffocating.

Withdrawing  
from observa-  
tion: ap-  
proaching  
Pennsylvania.

The first notice which is extant, regarding Catholic ministry in the capital of Pennsylvania, is precisely for the time when Father Mansell had begun his land purchases at Bohemia in Maryland. On February 4, 1708, the Rev. John Talbot, well known for his efforts to establish an episcopalian bishopric in America,<sup>7</sup> wrote from New York to his colleague, Rev. G. Keith, in Connecticut, that according to information just received from Mr. Bradford, "Mass is set up and read publicly in Philadelphia, and several people are turned to it; among which Lionell Brittin, the [*Episcopalian*] church warden, is one, and his son is another. I thought Popery would come in amongst Friends, the Quakers, as soon as any way." Talbot had just given vent to his feelings in a letter (January 10) addressed to the London Society for the Propagation of the Gospel: "Arise, O Lord Jesus Christ, and help us and deliver us for Thine honour. . . . There's an Independency at Elizabeth-town, Anabaptism at Burlington, and the Popish Mass at Philadelphia. I thought the Quakers would be the first to let it in, particularly Mr. Penn; for, if he has any religion, 'tis that. But thus to tolerate all without control is to have none at all."<sup>8</sup> This slur of Talbot's on William Penn was not quite fair. Years before, at all events, that gentleman had protested that he was no "dead Jesuit."<sup>9</sup> Years afterwards, the other Penns, who followed in the government of Pennsylvania, were equally irreproachable, dead or alive.

Beginnings  
of the  
Pennsylvania  
mission.

At this moment, W. Penn was lying in prison for debt on account of his province; and he endeavoured to dispel the prejudice caused

<sup>7</sup> Cf. *supra*, p. 315.

<sup>8</sup> *Researches*, xii. 89. — Cf. Shea, i. 866-868. — John Newbery, Phila., November 18, 1715, said malignantly of Mr. John Talbot, Burlington, that he "pretends himself a missionary [*S.P.G.*], but is by report more like to be a Jesuit, or father confessor" (Fulham Pal. Arch., "Philadelphia").

<sup>9</sup> "For the story of the Lord Baltimore, 'tis as false as that I am a dead Jesuit (for so, all over England, I was reported, not without a jealousy whence it came too)" (Hazard, i. 70, W. Penn., Phila., 81, 5th mo., 1683, to T. Taylor).



by the Catholic scandal. He wrote to his agent, J. Logan (September 29, 1708): "Here is a complaint against your government that you suffer public Mass in a scandalous manner. Pray send the matter of fact, for ill use is made of it here." The officers of the Crown had made it a matter of reproach with him.<sup>10</sup> At this time (1708), an act for the naturalization of foreigners was passed by the Pennsylvania assembly; but it named specifically the foreigners so favoured. They were certain German Protestants of Germantown. An earlier act of 1700, which was not so specific and discriminating, had been disallowed by the Privy Council. In later years (1729-1737) other such special acts of favour were passed; till, in 1742, all purposes were sufficiently attained by a general act for the naturalization of Protestants.<sup>11</sup>

Hence it came to pass that, in later times, Father Robert Harding allowed his name to be used in deeds of "Mr. Joseph Kaufman with some other Roman Catholick Germans"; since they were "restrained by the law from purchasing in their own name."<sup>12</sup> But of the development in Pennsylvania we shall speak later. For the present we merely observe that, as the Bohemia mission near the border-line was always the point of contact between Maryland and Pennsylvania, we consider it to have been the point of departure for operations in Philadelphia from the very first. That was from about 1704, when

<sup>10</sup> *Researches*, *Ibid.*, 40.

<sup>11</sup> *Researches*, v. 56.—A little later however, Thomas Herring, Archbishop of Canterbury, re-echoed a note of fear and warning from William Smith on Pennsylvanian German Protestants, lest "such a number of sober and useful Protestant people be abandoned to be made the prey of French Papists and Jesuits" (Perry, *Pa.*, pp. 547, 548).

<sup>12</sup> Md.-N.Y. Prov. Arch., *portf.* 42, "Mr. Hardings advertisement to his heir," January 31, 1769.—See a similar trust accepted by Father Greacon from Paul Miller, May 2, 1747, in *Researches* (xxii. 332, 333). The editor cites a declaration of ours, regarding the irregularity of these proceedings, by which Jesuits became trustees for persons not of the Society (*Ibid.*, xxv. 86). We conceive that, if these Fathers were alive to the irregularity of holding trusts, they had obtained authorization from the General, who may have considered the purely formal character of the acts, and the charity of enabling Catholics to bridge over a merely legal difficulty.

The principle of non-intervention underlying this matter had wider applications. Thus, as we shall see later in the banking operations for Maryland schoolboys and schoolgirls (p. 523, note 16), the English Jesuit procurators in London, Paris and Antwerp were much in request with the good Catholic laity for a multitude of affairs, their provincial agency becoming a very international business. The General Tamburini declined to accept a suggestion of the Provincial Turberville, that these procurators might be allowed to take some discount for doing other people's work. The General replied, that, on the contrary, they should keep clear of all business foreign to that of the Society; or, if they were unavoidably involved in such affairs, they should see that the Society's affairs did not become involved:—

"*Londinum, Clarissimo D<sup>no</sup> Joanni Turberville, 12 Martii (1729), . . . 8<sup>to</sup>, interdicendum potius erit illis, ne se cujus a negotiatione nostra alienis causis administrandis immittant, quam ut pro illarum procuratore stipendium aliquod exigi permittamus; si quid autem ita necessario ab illis curandum esset, indemnitate rerum Nostrarum dexteritate sua consulere poterunt*" (*Anglia, Epist. Gen.*, under date).

Father Mansell began the systematic development of a landed foundation at Bohemia.

New Jersey was mentioned, as we have already seen, so early as 1683.<sup>13</sup> The district of Delaware almost touched the Bohemia property. At a much later date (1760), it was stated by the Rev. Mr. Reading that, before he fixed his residence at Apoquinimink, a "Jesuit used formerly to preach and say Mass at stated seasons" there.<sup>14</sup> Virginia, no less than Maryland, had always been considered a regular field of missionary work for the Fathers.

New Jersey.  
Delaware.  
Virginia.

In passing, we have thus taken the measure of the missionary field, because of a statement which we find made to the Propaganda in 1823: "The Jesuits for many years did not exercise the sacred ministry outside of the small piece of land, bounded by the River Potowmach and Patuxen. About the middle of the last century [*the 18th*], they had six or eight missionaries in the other parts of Maryland; as many in Pennsylvania." This summary of the entire Jesuit antecedents was true for the little it said; but, like so much other history, it left an impression which was false.<sup>15</sup>

If we review the Jesuit forces for 1705, we have nine Fathers, William Hunter, Robert Brooke, Mansell, Thorold, Wood *alias* Killick, Latham, Cattaway, Havers, and Matthew Brooke. The last mentioned died at this time. They were assisted by five lay brothers. The number of Fathers declined to five in 1709. At the date, 1714, to which we now come, their forces consisted again of nine, only four of the list just given being still on the ground. Father Thomas Mansell was superior. The others were William Hunter, Thorold, Wood, Hodgson, Attwood, Williams, Thomas, and Brockholes. Seven brothers assisted them.

§ 208. So far the policy in Maryland had been directed towards the absolute prohibition of all sacred duties performed by the Jesuits. Nicholson and Seymour had threatened their personal liberty. The latter governor had looked wistfully at their property. Both their personal liberty and their property became the ulterior objects of the anti-Papist campaigns. The next governor, Captain Hart, signalized himself by an attempt at confiscation of the Jesuits' goods. He carried into effect

The accession  
of Captain  
Hart to  
power.

<sup>13</sup> *Supra*, p. 148.

<sup>14</sup> Perry, *Pa.*, 318, Reading's report at a convention of the Penna. clergy in Philadelphia, May 2, 1760. Cf. *infra*, p. 520.

<sup>15</sup> Documents, I. Nos. 126, B (10); 181, note 34.

the measure of imprisonment for their persons. Father Killick was tranquilly drawing up a learned case for ecclesiastical authorities on the subject of marriages between baptized Christians and people white or black who were unbaptized,<sup>1</sup> when this gentleman, Captain John Hart, nephew of the Protestant Archbishop of Tuam, was appointed royal governor (1714). Queen Anne nominated him at the request of Benedict Leonard Calvert, prospective heir of Charles Lord Baltimore.

Benedict Leonard had a family of four sons and two daughters, all educated abroad at the expense of his father, Charles, third lord of the line; the boys at St. Omer's, the girls in convents.

The accession  
of B. L. Cal-  
vert to Pro-  
testantism.

Though the expectation of succeeding to the title and enjoying the proprietary revenue, with the patronage of land offices in Maryland, was a gratifying and satisfactory prospect, still the political ostracism exercised against his father, who was debarred from the government of Maryland for being a Papist, made the younger man think better of the situation. He shook off the political disqualification; conformed to the Church of England; "publicly renounced," as he said, "the Popish errors" (November, 1713); withdrew his children from the Popish seminaries, "and placed them all in and about London at Protestant schools."<sup>2</sup> The Provincial Father T. Parker wrote to Father R. Plowden in Rome: "Mr. Ben. Calvert abjured the Catholic religion, and received the Communion from the Bishop of Hereford in St. Ann's church, Westminster. He had some weeks before sent for his four sons from Mr. Whitmore.<sup>3</sup> A great affliction to the good old Lord [Charles]."<sup>4</sup>

Lord Charles curtailed Benedict Leonard's allowance. The latter appealed to Queen Anne, and obtained "a pension of three hundred pounds per annum, for the maintenance of his children during the life of his said father, who is eighty five years old." He also asked the Queen that she might be pleased to appoint Captain John Hart as Governor of Maryland, "who out of the proffits thereof has obliged himself to render your petitioner the sume of £500 per annum." This too was granted, and Hart was appointed. Then George I. succeeded to the throne. Brigadier Franks was on the point of

<sup>1</sup> Ston. MSS., *Anglia A.*, iv., No. 1081; B. ii. 12.—*Cf. Amer. Eccl. Review*, xxvi. 521-538, Hughes, "A Maryland Marriage Question," touching Quakers and negroes, in relation to the matrimonial impediment of *disparitas cultus*.

<sup>2</sup> P. R. O., B. T., *Md.* 6, I. 81, February, 1715, petition of B. L. Calvert to George I.

<sup>3</sup> Father Sabran, St. Omer's.

<sup>4</sup> English Prov. Arch., Thorpe's *Extracts*, January 8, 1713 (O.S.).

receiving the commission for Maryland, when a petition from Benedict Leonard secured the continuance of Hart in the office (February, 1715).<sup>5</sup> The government of Maryland was still in royal hands.

Immediately afterwards, the civil government of Maryland was restored to Calvert's Protestant family, too late for Benedict Leonard himself to enjoy the emoluments. Hart received a new commission as governor, in the name of the infant proprietary Charles, fifth Lord Baltimore (May 30, 1715).<sup>6</sup> Thus the Baltimore family, thanks to its change of religion, was reinstated in the civil control of the province, receiving the duties on tobacco and shipping. Maryland had a population greater at the time (1715) than either New York or Pennsylvania; and in the export of tobacco its commerce, combined with that of Virginia, made these two colonies more important to England than the other

The accession of a government in consequence.

<sup>5</sup> P. R. O., B. T., Md. 6, I. 81, Stanhope, Secretary of State, February 4, 1715, to Bd. Tr.: "His Majesty being desirous to give all possible encouragement for the educating in the Protestant religion the numerous issue of so noble a family, has ordered me to signifie to you his pleasure"; and a commission with instructions is to be prepared for Hart instead of Franks. B. L. Calvert's petition to George I., recounting the facts as above, was enclosed (cf. Scharf, i. 379, 380).—*Ibid.*, i. 85, W. Blathwayt, March 29, 1715, Court of St. James's: Hart approved of, "according to the nomination and appointment of the said Lord Proprietor." Less than three weeks after Benedict Leonard's petition to the king (February 2), he had become lord proprietary by the death of Charles his father (February 20, 1715). The new proprietary enjoyed his new emoluments less than seven weeks, when he died (April 5, 1715). Under the guardianship of Francis Lord Guilford, Charles Calvert, a minor, succeeded to the title, and soon recovered the government itself of Maryland. The circumstance that Charles, the new proprietary, Benedict Leonard, Governor of Maryland (1726), Edward Henry, commissary and president of the council (1728), had all been partly educated at St. Omer's, serves to account for the period of tranquillity which followed the disappearance of Hart from the scene. But, later on, not even in the proprietary's family did there remain a trace of Catholic traditions or instincts.

B. L. Calvert's change of religion has given occasion for an entertaining literary episode. McMahon states that the Catholic Lord Charles induced his son to change and become a Protestant; and very unctuously he formulates the paternal reasons for the advice. Dr. Hawks adopts the whole of McMahon's melodramatic fiction, and expends on the subject much feeling, and even pathos; but he finds no excuse for Benedict Leonard's sacrificing religion in that way to "worldly profit"; the less so as the first Lord Baltimore had sacrificed worldly profit to religion. The Queen's chaplain, J. S. M. Anderson, takes exception to this tone of apology or reproach; and he argues at some length against both of the romancers. He says: Neither Hawks nor McMahon has proved that the elder lord Charles ever persuaded his son to recover the privileges of the first charter by renouncing the Catholic religion; and, in default of this proof, "I cannot believe that the change in question was prompted by any unworthy motives." Again, says the Queen's chaplain, the first Lord Baltimore left the Church of England for that of Rome, "without any imputation on his honesty"; why should "selfish and corrupt designs" be imputed for reversing the process? It is true, indeed, that the government of Maryland came back to Benedict Leonard's family; but the gentleman himself—did he expect the privilege? and did he not die too soon to enjoy it? With this specimen of self-effacement the chaplain's argument ends. (McMahon, 278, 279.—Hawks, *Contributions*, ii. 143-145.—Anderson, iii. 286, *seqq.* Cf. History, I. 248, note 20; 444, note 32.)

<sup>6</sup> Scharf, i. 381.

nine provinces all together.<sup>7</sup> The great increase of population, which grew between 1715 and 1719 from 50,200 to 80,000, was accounted for, "by those born in the country, by the rebels imported from Preston, by the great number of convicts, by the purchase of slaves, and by many poor families who transport themselves from Ireland." The blacks during those four years increased nearly threefold, from 9500 to 25,000.<sup>8</sup>

§ 209. No sooner had Governor Hart arrived in the province than he held an assembly, took a long series of oaths, chiefly of anti-Papist import, subscribed the Test; and, as representing the spiritual head of Anglicanism, he drew up a set of Queries, calling for a report from the clergy. Twenty-one of these, convened by his order, replied in seven articles, the last of which, said they, "we regard as of the utmost consequence in religion." They set forth therein that the province was groaning under the weight of public sins, unchastised; they called on the civil power to police it morally; and they added in a separate paragraph: "The growth of Popery by the coming in of many priests of late, and the abuse dissenters make of the indulgence given them by law, we humbly propose to your Excellency's serious consideration."<sup>1</sup>

Reporting this ecclesiastical visitation of his to the Bishop of London, Hart sent on his Queries and the answers, adding some plain remarks on the state of education and morals among the Protestant clergy. "The advantages which the Jesuits," wrote he, "have from their negligence is but too evident in the many proselytes they make. Nor is there any other remedy for this growing evil, but by making use of the authority I have to constrain them from entering the houses of dying persons.—¶ *Mais les Jésuites sont Jésuites partout.*"<sup>2</sup>

The governor submitted to the assembly (1715) the question of education in the province. The youth had need of instruction. The poor would bless the assembly, which should lay "a foundation for sufficient schooles." He said pathetically: "It is with compassion I observe so many young men of admirable natural parts

<sup>7</sup> Scharf, i. 383, 384.—Brit. Mus. MSS., Add. 30,372, f. 25v, "Abstract of Commissions," etc., Md., 1715.

<sup>8</sup> Scharf, i. 388, note.—P. R. O., B. T., Md. 6, I. 106, Hart's Answers to Queries; received, August 26, 1720; §§ 11, 12.

<sup>1</sup> P. R. O., B. T., Md. 19, Journal of the Council, May-July, 1714; pp. 25-28, the clergy's "humble representation," June 26, 1714.—See Perry, Md., pp. 76, 77.

<sup>2</sup> Fulham Pal. Arch., No. 8, Md. Papers; also No. 6.—Perry, Md., p. 78, Hart, July 10, 1714, to Bishop of London.

grow up without the least improvement of art to form their minds, and make them more useful to their country. It is more than time to repair the great neglect that is shown to learning here." This was said by Governor Hart nineteen years after the petitionary act for free schools under Governor Nicholson (July 1, 1696).<sup>3</sup> It was also a demand for taxation.

Then in the council he called attention to those who were so audacious as to educate without the help of taxes; and he produced an article of the royal Instructions on the subject. The council forthwith determined that the several county courts should return to the governor an account of all schools and schoolmasters, together with their judgment of the capacity of such masters; and "that notice be given in full county court that all persons keeping, or intending to keep any schoole in this province, be and are obliged to take the oaths appointed," of allegiance, supremacy, abjuration, and to subscribe the Test; after all which, producing a certificate of their good capacity they might apply to the governor for a licence.<sup>4</sup> Both houses approved of a tax, not only on negroes, and "severall sorts of liquors imported," but in the same act "also on Irish servants, to prevent the importing too great a number of Irish Papists into this province."<sup>5</sup> The burgesses, however, would not hear of marriage being interfered with by an act which ordered the publication of banns according to the rubric of the Church of England.<sup>6</sup> Slaves and Indians received consideration. The chastisement of slaves was limited; and the masters' power of manumitting them left unlimited. The sale of strong liquor to Indians was prohibited under penalty; as also the transportation of any friendly Indian out of the province.<sup>7</sup>

Writing to the Bishop of London, Governor Hart approached the Jesuit question. "This province," he said, "is a large tract of land, and contains a considerable number of inhabitants, who are liable and are daily carried away from our Church by the craft and subtlety of insinuating Jesuits

Jesuits converting people wholesale.

<sup>3</sup> Perry, *Md.*, 164-169. Cf. *supra*, pp. 441, 444, 462.

<sup>4</sup> P. R. O., B. T., *Md.* 20, Journal of the Council, April to June, 1715; pp. 5, 6, 17, 18.—B. C. Steiner (U.S. Bureau of Education, No. 19, p. 84, "History of Education in Maryland") ascribes the supervision of schoolmasters in Maryland to the policy of preventing Catholics from teaching. He gives particulars for 1754, regarding the extirpation of Catholic teachers. (*Researches*, xix. 94.)

<sup>5</sup> P. R. O., *loc. cit.*, p. 69.—On May 28, 1717, the perennial legislation took a new start against Irish Papists, always coupled, of course, with negroes. See Perry, *Md.*, pp. 170, 171; text of the law. The Maryland Catholic gentry also in 1756 found themselves, said they, in a state of general reduction to a level with their negroes. See *infra*, pp. 539, 546.

<sup>6</sup> *Ibid.*, p. 72.

<sup>7</sup> *Ibid.*, pp. 70, 96-99.

and separatists of all kinds; who make great advantages of the sloth and ill conduct of our clergy, and religion being still in its infancy." He added: "It grieves me to hear daily of the numbers leaving it, and going over to the Roman Catholics and dissenting congregations, but none abandoning their errors, and embracing the true religion." If a suffragan bishop cannot be had for Maryland, at least let two commissaries be appointed in the persons of Jacob Henderson and Christopher Wilkinson.<sup>8</sup> A memorandum of the Bishop of London about the same date took note of this need in the colonies, but added that people would not tolerate a regular bishop there. A person having the semblance of one, like a mere commissary, would be preferable; and such a bishop could be more easily removed.<sup>9</sup>

At last, about the second year of Hart's government, a general attack was delivered, both by way of administration against the Jesuits, and by way of legislation against all Papists.

Imprisoned  
wholesale,  
1716.

A series of extracts from letters of English Jesuits in 1716 and 1717 tells us what was going on in Maryland. Under the date of November, 1716, we learn that "some of the chief of Maryland, lately come from thence, bring that the governor under Lord Baltimore has begun to persecute the Catholics, threaten to tie the Priests neck and heels, and send them to England. He has indicted three for doing the duties of a priest, and will give others the same treatment. Gentlemen are come to have a stop put to these proceedings. Missioners nowhere more esteemed, and do duty better in a laborious and fatiguing mission." In the next year, 1717, January 4, the report runs: "There is at present a terrible persecution in Maryland—three Jesuits in prison, on no other account but that of their character—two only, viz. Father Richard Thomas and F. Killick [*at large*?]—several fled." In the same January it is said: "A more favourable account from Maryland. Those in prison have liberty, but to appear and stand their trial next April. Endeavours used here to procure a *Noli prosequi*, and an order of Government to supersede all such proceedings." In February, 1717, the report is: "F. George Thorold is fled from Maryland to Virginia to avoid prison; he and other men indicted for exercising their functions. It is hoped orders lately sent will procure them their liberty, and settle affairs *in statu quo*."<sup>10</sup> The

<sup>8</sup> Perry, *Md.*, p. 81, Hart, September 6, 1715, to Bishop of London.

<sup>9</sup> Lambeth Pal. MSS. 711, No. 18, endorsed, "Dec. 1797 [1717?]."

<sup>10</sup> Engl. Prov. Arch., Thorpe's *Extracts*; 1716, November, R. Plowden, Provincial,

dates of these letters, addressed to Rome from the European side of the ocean, show that the persecution raged in 1716; and, since the orders of Government could not arrive till the spring of 1717, Governor Hart must have been deploying his executive ability against the Jesuits for about a year. He was also busy with the Catholic laity. We find in a ledger of James Carroll amid sheriff's fees and court fees, the item for 1716: "Mr James Carroll Dr, for good behaviour—72. Moses Aldney Cry. Prou<sup>ll</sup> Co<sup>r</sup> [commissary (?) of Provincial Court]." <sup>11</sup>

§ 210. The pretext for a general assault on the Catholic body had been afforded by the Jacobite exploit of some young men, who fired off a gun on the night of the Pretender's birthday, June, 1716. It may have added to the gravity of this delinquency that John Hart, Esq., himself, Governor of Maryland, was traduced in a petition to the King's Most Excellent Majesty as being an adherent of the Pretender; "and great pains taken," so ran the document, "to influence the people they had better be under a Popish than Presbyterian government." The petitioner was ready to prove the allegations.<sup>1</sup> This digging of spurs into Hart's sides may explain the reckless gallantry of the charge which followed.

The governor, council, and house of delegates agreed to import the Orange legislation of William III. into Maryland, as if this English staple had never been imported before. All persons were debarred from holding offices or places of trust, if they refused to take the long list of anti-Catholic oaths. Heavy penalties were imposed. If a person who had approved himself by donning this armour of iron-clad tests presumed ever to "be present at any Popish assembly, conventicle, or meeting, and join with them in their services at Mass, or receive the Sacrament in that communion," he was to forfeit his office, incur the penalty imposed, and "also be incapable of taking, holding, or executing any commission or place of trust within this province, until he shall be fully reconciled to the Church of England, and receive the Communion therein."<sup>2</sup> The former part of this act being against

Ostracizing  
Papists, real  
and con-  
structive,  
1716.

to Eberson (?); 1717, January 4, Kennett to Eberson; January, same to same; February 22, same to same.

<sup>1</sup> Md.-N.Y. Prov. Arch., "*Lib. C. C. James Carroll*," fo. 76.—On fo. 60, "Dr Charles Carroll" appears (August 17, 1717), apparently the surgeon, so notorious afterwards. The entries continue: "Per contra, Dr. By bill of Doctoridge, am. to - - - [1]."—*Cf. infra*, § 220.

<sup>2</sup> P. R. O., 27, f. 231, petition of Mrs. Mary Hensley, of the Province of Maryland, residing at Mrs. London's, in King's Street by Golden Square; *s.d.*

<sup>3</sup> Act of 1716, c. 5.—Scharf., i. 282, 283.—McMahon, 280, 281.—The latter writer had, on an earlier page (188), glossed over all this history, and more which follows,



Catholics who declined to be Protestantized, this latter portion was against Protestants who presumed to use their private judgment—an article not to be tolerated any more than Catholics.

The year 1716 had been made memorable by violence exercised against the priestly character. In the next year, 1717, the governor essayed to relieve the priests of their property. He opined that for such a purpose the government of Maryland could derive powers from a Parliamentary committee on the other side of the ocean, and the governor become a sub-committee man under English orders. So he wrote back to England that, in virtue of "powers to him granted by the honourable Commissioners, appointed by an Act of Parliament to enquire of the estates of certain traytors and Popish recusants, and of estates given to superstitious uses, in order to raise mony out of them severally for the use of the publick," he did subject Charles Carroll, Esq., of the City of Annapolis, to an interrogatory. His ninth question was about the Jesuits :

"9. Do you know of any lands or summes of mony that are applyed to superstitious uses in this province, (viz<sup>t</sup>) for the maintenance of any Popish bishops, priests, Jesuites, or any other regular Order of the Romish Church, or of any seminaries that are for the education of youth in the Romish persuasion?" To this Carroll replied: "9. Answereth, that he doth not know of any lands or summes of mony that are applyed to superstitious uses in this province. But believes that some priests in this province are possessed of some tracts or parcellis of land, taken up by themselves in their naturall capacities under the common Conditions of Plantation, and pursuant thereto, or by those under whom for valuable considerations they derive. And verily believes that the yearly value of them is so inconsiderable as hardly to afford a bare subsistence for those who are possessed of them; much less to make any fund for education of youth in any Popish seminaries."<sup>3</sup>

Inquisition on  
Jesuit pro-  
perty, 1717.

by saying: "Religious persecution, beyond the denial of public trusts and employments, was almost a stranger to the province; and we have therefore no accounts of martyrdom to stain its annals." "No account" is an easy way of keeping accounts clean. For the matter of that, we find in current literature no account of many things.

<sup>3</sup> P. R. O., *Forfeited Estates*, T. 2, ff. 1<sup>v</sup>, 6, 7. Testified to by Hart, October 12, 1717.—*Ibid.*, ff. 11, 12, "Jo Hart," Maryland, October 12, 1717, writes an autograph letter to the English committee-men, rendering an account of his proceedings under the commission from them.—Cf. *History*, I. 500.—Compare the *Fifth Report of the Deputy Keeper of the Public Records* (printed, 1844), Appendix II. pp. 97-130, on "Forfeited Estates"; the enormous list of persons, who were being tracked, to raise money "for the use of the publick," out of their estates, to wit, "the estates of certain traitors, and of Popish recusants, and of estates given to superstitious uses." The relative acts were passed in the first and fourth years of George I. After this sequestration of religious property, already preyed on by Tudor, Stuart, and

The recent superior of the mission, Father Robert Brooke, was deceased. There were seven Jesuit Fathers in the colony, with Mansell as superior. We find a deed of gift executed by one of them, Father William Hunter, who for the sum of ten shillings gives to Mr. Thomas Jameson all the chattels of Newtown estate, beginning with "Church stuff," proceeding with details, and ending with "all other grain and all other things whatsoever." The deed is dated January 30, 1717 (1718, N.S.), just a little after Hart's inquisition.<sup>4</sup> However, as early as September, 1717, the General in Rome had heard that the "heavy and lamentable storm breaking over the Maryland mission" was already passed, and he sent his congratulations.<sup>5</sup> So the year 1717 had worn away, not without leaving a mark on the general Catholic population; for, against the importation of Irish Papists, another of the twelve acts passed in sixteen years had doubled the tax on them. To make sure that the right persons were hit by the law, port officers had to tender anti-Catholic test oaths to Irish servants on board of ships arriving.<sup>6</sup>

Assignment  
of an estate  
for 10 shillings.

Orange legislation, for royal use or "for the use of the publick," there remained only one measure to take; and the Hanoverian George II. took that in his mortmain act (9 Geo. II. c. 36), which rendered the dedication of property by will to religious or charitable or educational purposes practically impossible for any persons whatsoever, Catholic and non-Catholic alike. *In cauda venenum*. The ultimate objective of all the assaults on the Catholic front had been religion and charity as such, throughout all ranks of society. See Appendix D, "Charity and Mortmain."

<sup>4</sup> Documents, I. No. 40.

<sup>5</sup> *Ibid.*, No. 7, O.

<sup>6</sup> Cf. *supra*, § 204.—Scharf, i. 371.—Perry, *Md.*, pp. 170, 171, text of the law.

There is an English document of this date, curious enough, but commonplace as being so typical. It is a letter from one Edward Dunn (London?) to Francis Foote, Esq., some official. Dunn's information is derived from "a friend in Maryland." Its object is of the land-shark's kind, and is expressed in the best cynical style of the land-shark's agent. He advocates the evicting, without indemnification, of some eighty planters or settlers, and taking over all the improvements made by their industry, and making them refund all proceeds, even though from other sources it would appear that they were *bond fide* owners or tenants. Irish Papists are not mentioned. But the settlers in question seem to have been those whom George Talbott had brought from Ireland, to settle his estate of 32,000 acres in Cecil County at the head of the Chesapeake (*supra*, p. 472, note 2); or else those others, clearly Catholics, whom Charles Carroll had invited from Ireland.

George Talbott, on being attainted for murder, had forfeited his lands to the proprietary. James Talbott, his son, appointed Charles Carroll, though quite a stranger, his attorney in respect of the lands, 55,000 acres, which had belonged to George (October 10, 1701). Charles Lord Baltimore released the escheat in favour of James Talbott (March 9, 1708). A few years later, Governor Seymour informed the Lords of Trade that Mr. Charles Carroll had assured her Majesty's subjects in Ireland "of good tracts of land, at the head of the Bay, and free toleration and exercise of their superstitious worship,"—which, said Seymour with just severity, was "a specious, tho' false encouragement" (P. R. O., B. T., *Md.*, 5, H. 22; August 21, 1706).

Upon these antecedents we have, eleven years later, in the midst of Governor Hart's merry anti-Papist war, the following specimen of the times, from Dunn to Foote: "... It is (that is to say, Talbott Mannor aforesd), estimated by all to be 30,000 acres, very good land, well scituated for trade. Note: There are eighty

The year 1718 was the most famous of all for the anti-Jesuit and anti-Papist campaign, till in a later generation more violent assaults were made from 1751 onwards. All parties in the province, excepting Jesuits and Papists, seem to have been embroiled with one another; but the only parties who suffered damage at the end were the Papists and the Jesuits.

A couple of ministers, Hall and Cockshutt, so Commissary Henderson reported to the Bishop of London, "have most scandalously gone about the country here, raising a faction against my Lord Baltimore, telling people he is a Roman Catholic; and they offered to the clergy a petition to your Lordship, to endeavour to have the government taken from him [*Lord Baltimore*] and given to the governor [*Mr. Hart*], which the clergy refused to be concerned in; but this they knew would wonderfully please him [*Hart*], for he is now playing his old game against that noble lord, and representing him and his guardian, the Lord Guilford, to be Papists; and, in short, has set the whole country in a ferment here with the cry of danger from the Papists. There is not in reality the least danger from them; but Mr. Hall, being very serviceable to him in these purposes, makes him[*self*] very dear to him."<sup>7</sup> The young Lord Baltimore, having been apprised of the agitation, sent a letter at this time to both of the commissaries, vindicating himself from the charge of having given "too much encouragement" to Catholics and professing his devotion to the Protestant Establishment as by law established.<sup>8</sup> A portion of the Protestant clergy expressed their opinion, as "a sad truth," that they could not boast of "one friend in the province, except our governor"; nay, they said, "nor friend in the world that we know of, but your Lordship, to stand by us."<sup>9</sup> But not one of all the parties was friendly to

plantations now seated there, without leave, lycence, or any title at all. So the possessors may be safely removed. ¶ Those plantations are so farr from being a prejudice to the sale of it, that it will much advance the price, by reason the dwelling houses, tobacco houses, and fences are a great improvement. And the present possessors may be brought to account for the profits, since they are only intruders. . . . ¶ The person, who writ this accot lately, sayes, old Mr. Carroll there offered 1,500<sup>l</sup>. for that [*estate*] in Cecil County not long since.—This, Sr, I thought fit to let you know, that nothing may remain in my knowledge that should be wanting to put things in the best light and shortest way, to bring the matter to an end. ¶ I am, Sr. ¶ Your humble Servt. ¶ Ed. Dunn. ¶ Sept. the 22th, 1717."—The man's devotion at the end to the cause of light and brevity in the premises was equal to his stolidity. If Carroll had offered £1,500 to purchase the estate, there must have been some proprietor to purchase it from. But apparently all the parties in view were only Papists. (P. R. O., *Forfeited Estates*, T. 2, pieces 8, 5, 8; this last being the Dunn production.)

<sup>7</sup> Perry, *Md.*, p. 111, J. Henderson, June 17, 1718, to Bishop of London.

<sup>8</sup> *Ibid.*, p. 99, Baltimore, March 23, 1718, to Henderson and Wilkinson.

<sup>9</sup> *Ibid.*, p. 91, seven ministers, October 25, 1717, to Bishop of London.

the Papists. Henderson the commissary feared that the Protestant Church "will by degrees dwindle to nothing. I am not of opinion that the fault is entirely in the [*Protestant*] clergy; there is great deal owing to the diligence and ingenuity of the Romish priests." Nevertheless, the Protestant clergy was such as to "have made more converts to that Church than their priests could have done, notwithstanding their extraordinary abilities."<sup>10</sup> In a meeting of the clergy at the behest of Governor Hart, they were told by his Excellency how "the weak and ignorant" were being won over by "the Jesuits and other Popish emissaries." They replied, throwing themselves on the mercy of his Excellency, who would restrain effectually "such pernicious practices for the future." He answered: "Effectual measures, I hope, will be taken to put a stop to that pernicious practice of perverting the weak and ignorant to the Romish persuasion."<sup>11</sup> Now the assembly came to operate on the premises. "One third of the assembly," wrote Henderson, "are dissenters, and the other two very low." They opposed the governor when he was acting for the Crown. Now that he is against Baltimore, his chief, "they are his creatures, and the party at present that he caresses and is supported by."<sup>12</sup> In all this the dissenters were consistent, being always against the government, and never in favour of Papists.

The assembly proceeded to the attack upon the Jesuits and Papists. To do so effectually, they evaded the proprietary, and the exercise of his authority. They also effaced themselves, as a previous assembly had done; and as Hart had just effaced himself before the Parliamentary committee-men. The assembly of 1706 and of 1707, when suspending all prosecutions for the exercise of Catholic functions in the bosom of private Catholic families, had accepted the dictation of the Privy Council in England, and had relaxed the operation of its own legislation, which was to the effect that no bishop, priest, or Jesuit could exercise any function at all in the province.<sup>13</sup> Even at the commencement of Governor Hart's term the same suspending act had been continued, in favour of private ministrations to Catholics, but with all the old penalties in force against other priestly functions, and against education, if Popish; as also with the old premium kept dangling before Catholic children, who, if they would only say

Anti-papist  
harmony.

The Orange  
prosecution of  
Jesuits re-  
sumed, 1718.

<sup>10</sup> Perry, *Md.*, p. 83, Henderson, April 1, 1715, to the secretary S.P.G.

<sup>11</sup> *Ibid.*, pp. 102-106, April 25, 1718.

<sup>12</sup> *Ibid.*, p. 112, Henderson, June 17, 1718, to D. F. Astry.

<sup>13</sup> *Supra*, pp. 443, 444.

that they were Protestants, should be rewarded with the substance of their parents.<sup>14</sup> Now, however, grafting on the province once more William III.'s anti-Popery law, they premised that an act of assembly in Maryland could in no wise alter the effect of the said statute; and thus professing themselves the humble creatures of Parliamentary legislation, they did away with the suspension of Seymour's law against Jesuits.

All Papists  
disfranchised  
from voting,  
1718.

Against Papists in general, they applied the test oaths to lop off the franchise of voting for a delegate of county, city, or borough. No one could vote any more, if he was a Catholic.<sup>15</sup>

Towards the close of the year 1718, the General of the Order in Rome expressed his anxiety at the perilous state of the Maryland Jesuit mission.<sup>16</sup> In London, some Catholic gentlemen of Maryland were not idle. Charles Carroll had been there in 1715, when Charles Lord Baltimore died; and he went back again about the time when this legislation was passed in the colony.<sup>17</sup> Two papers written in French, and deposited in the archives of the Board of Trade, show the policy adopted, to defend against the Protestant aggression a liberty guaranteed in Maryland by what is here called its Magna Charta.

The pretext, it is said, on which a law of perpetual imprisonment has been passed against priests for exercising any functions is derived from two accusations against them. The first is "that there are forty priests in the place, when there are only twelve in the whole country: ten Jesuits, one secular priest,<sup>18</sup> and a religious of the Order of St. Francis. The second is that six priests were sent thither last year, whereas there was only one, who went with the chief of the Catholic merchants." Another law disfranchises Catholics from voting for magistrates or burgesses; and yet the Catholics "are the richest and most considerable of all the merchants in the country." The true cause of the persecution is that "Catholics and others" recognize Lord Baltimore as proprietary; but "there are persons who aim at taking away from him this succession, which they cannot do without destroying the Catholics, who oppose [*the plot*] and will oppose it, being obliged thereto in justice." It is explained what can be done to annul the laws passed in the colony. Only Lord Guilford, as administering

Coincidence  
of revolution  
with anti-  
Popery.

<sup>14</sup> P. R. O., 560, *Md.* printed acts, No. 33; "Passed October 3<sup>d</sup>, 1704. Revis'd, May 14<sup>th</sup>, 1714."—*Of. supra*, p. 444.

<sup>15</sup> McMahon, pp. 245, note; 281, note.—Scharf, i. 383.

<sup>16</sup> Documents, I. No. 7, P.; October 15, 1718.

<sup>17</sup> Rowland, i. 11.

<sup>18</sup> Possibly, the ex-Jesuit Gulick.—*Cf. Documents*, I. No. 37, p. 220; 1716.—The language here is a little obscure: 40 priests "*dans le pays*," 12, "*dans tous le pays*."

the affairs of Lord Baltimore who is still a minor and at present in France, can disallow a provincial enactment. The Privy Council cannot touch the matter, except where an act is contrary to the laws having force in England.<sup>19</sup> Here was the weak point in the representations; for, with shrewdness, the Maryland assembly had merely adopted an English law, declaring it to be in force.

The solution devised for the difficulty was that of sending back to America Mr. Charles Carroll as the proprietary's agent, with powers larger than he had enjoyed before. Governor Hart considered his own position untenable. Before leaving for London in 1720, he invited the clergy to meet in Annapolis, without any notice given to Commissary Henderson. But this latter gentleman interposed, and also wrote to the Bishop of London, that, as was reported, Hart had "intended them to address either the king or your Lordship against the Lord Proprietary."<sup>20</sup> From first to last, on this occasion when the proprietary was a Protestant, as on former occasions when the Lords Baltimore were Catholics, a revolutionary principle against legitimate authority seems to have been reinforcing the agitation against Catholics. In literature, however, *The essence* and speech, it was always the Papists who were against *of loyalty*. the government; and therefore were the others loyal, because they were against the Papists.

We must not leave this period of Hart's violence against the persons of priests, his attempts on their property, and the legislative disfranchisement of Catholics, without mentioning a report submitted just recently to the General Assembly of Maryland. In 1913, a new volume (xxxiii.) of the *Archives of Maryland*, covering precisely the period 1717-1720, was published by the Maryland Historical Society, which has the honourable function of editing state papers. Reporting the new volume to the General Assembly, the society summarized the contents, to the effect that, during the period, there was antagonism between "the adherents of the House of Hanover" and "the sympathizers with the Stuart claimant of the Crown"; and that "the legislation of this period shows the determination of those in power to secure the control of Maryland for

<sup>19</sup> P. R. O., 558, ff. 289-240, 241.—The first paper is on the facts of the case, and ends: "See the fact as they send it to us; and this will serve to give you occasion to speak with knowledge of the cause." The second treats of the power to disallow. We presume that they were young Lord Baltimore's reference of the case from France to his guardian, Lord Guilford, giving directions how to treat the matter with the Privy Council or Board of Trade.

<sup>20</sup> Perry, *Md.*, pp. 120, 121, 124, Henderson, May 20, 1720, to the clergy; July 16, to the Bishop of London.

the 'Protestant interest.' The culmination was reached in an Act of the Session of 1718, whereby Roman Catholics were deprived of the right to vote at elections for delegates to the General Assembly."—In this gloss on the Maryland persecution it does not transpire what might be the connection between a political question of Hanoverian *versus* Jacobite and the wholesale disfranchisement of Catholic freemen in Maryland.<sup>21</sup> In like manner, the whole evolution and rationale of the narrative just given have found no place in the voluminous literature dedicated to the history and genius of Maryland.

<sup>21</sup> *Md. Hist. Magazine*, ix. (1914), 191.

## CHAPTER XVII

### MARYLAND, 1720-1773. PENNSYLVANIA, 1734-1773.

§ 211. Lands and funds of the Maryland-Pennsylvania mission. § 212. Collegiate foundation projected in Pennsylvania: 1734-1744. § 213. German Fathers in Pennsylvania: 1740-1765. § 214. Work in Pennsylvania, Delaware, New Jersey. § 215. Oral controversies in Maryland: 1725. § 216. Preaching and controversial pamphlets: 1734-1746. § 217. Spiritual reading. § 218. Education: 1745-1773. § 219. Processes against Jesuits: 1729, 1744. § 220. The Carroll suit, *Squire v. Surgeon*: 1750, 1751. § 221. Anti-Papist campaign in the Maryland assembly: 1751-1753. § 222. The Maryland bill of confiscation against Jesuits: 1754. § 223. The assault on Papists: 1755, 1756. § 224. Governor Sharpe's performances: 1756. § 225. Indictments of Jesuits; expatriation of Papists: 1756-1767. § 226. Missionary incidents; Father Mosley: 1760-1784. § 227. Missionary routine. § 228. Art in the colonies. § 229. Slaves in the hands of priests.

**Manuscript Sources:** Archives S.J., *Anglia, Catalogi*; *Anglia, Epistolae Generalium*.—(Brussels), Archives du Royaume, *Archives Jésuitiques*, lxxx. 29.—(Ghent), Archives de l'Etat, *Archives des Jésuites*, 82, 83.—(London), British Museum MSS., 15,489.—English Province Archives, *Catalogi Varii*; Thorpe's *Extracts*; ledgers, etc.—Fulham Palace Archives, American papers.—Public Record Office, *America and West Indies*.—Westminster Diocesan Archives.—(Rome), Propaganda Archives, *Acta*; *America Centrale*, i.; *Anglia*, i. vi.; *Missioni, Miscellaneæ*, v.—Stonyhurst MSS., *Anglia, A*, vii.; *A*, ii. 21.—Georgetown College MSS.; *Transcripts*.—Maryland-New York Province Archives.

**Published Sources:** Hughes, *Documents*, I. Part i. of this series, *History S.J.*—Burns, *Catholic School System in U.S.*—Boucher, *Discourses*.—Brady, *Episcopal Succession*, iii.—Butler, *Historical Memoirs*, i.—Devitt, "Bohemia" (*Records*, xxiii.); *Discourse on Trinity Church, Washington* (1904).—Field, T. M., *Letters of C. Carroll of Carrollton*.—Fine, *Jus Regulare S.J.*—Foley, *Collectanea*.—Hazard, *Pennsylvania Archives*, i.-iii.—Hughes, "Alleged Popish Plot in Pennsylvania, 1756, 1757" (*Records*, x.); "Educational Convoys to Europe" (*American Ecclesiastical Review*, xxix.).—Huonder, *Deutsche Jesuitenmissionäre*.—Johns Hopkins University Studies, 18th series, viii., ix.; 19th, x.—Maryland Assembly, printed reports of Proceedings, 1753, 1754.—Penny, *Church in Madras*.—



Perry, *Delaware; Maryland; Pennsylvania*.—Public Record Office, *Calendars, A. & W. I.*, viii.—*Records*, i., ii., x., xi., xxii., xxiii.—*Researches*, v.—xxviii., *passim*.—Ridgeley, *Annals of Annapolis*.—Rowland, *O. Carroll of Carrollton*, i.—Scharf, *History of Maryland*, i.—Shea, *History of the Catholic Church in U.S.*—*Woodstock Letters*, x., historical papers.

THE chief Jesuit missions of the eighteenth century were established in Pennsylvania and Maryland. Their extensions ran into Virginia, Delaware, and New Jersey. Temporal means for the maintenance of the ministry were augmented by donations from individual Jesuits, who assigned their private fortunes to the use of the Order. Several benefactions came from persons not Jesuits. A collegiate foundation in Pennsylvania seems to have been projected in 1740, at the charge of the English Province. There was an opening here towards something better than was practicable either in England or in Maryland.

In this latter colony of Maryland, religious activity and Catholic life were shown by controversies and literature to be on a high plane. A fair effort was made by the Jesuits to develop collegiate education. But all external developments came to be arrested by a violent anti-Catholic agitation beginning in 1750, and not ending till strenuous measures had been taken to strip the Jesuits of all their property, and to disfranchise with social ostracism the whole body of Catholic gentry. Catholics of means then essayed a policy of migration from the place.

We subjoin an inner view of missionary life, as well as a few indications of interest in things artistic. Art and taste were foreign to the money-making materialism of the colonies, but not to zeal for the worship of God. Finally, slaves in the hands of priests close the chapter with some domestic scenes.

§ 211. After Governor Hart's time, members of the Calvert family were placed in charge of Maryland, and a period of quiet followed.

An outsider's  
view of  
Jesuit affairs,  
1727. A writer of 1727, addressing Lord Townsend, said of Benedict Leonard Calvert, who had once been a pupil at St. Omer's: "A new governor is going to Maryland, an educated Roman Catholick. Jesuits goes over their annually to that colony; and they have places there much in the nature of convents; and, by reason of the little care of the choice of ministers and Church discipline, the R. C. increases and spreads not only over al that province, but the neighbouring provinces. The new governor has made choice of, and is going over to his government

with a Roman Catholick comander." The writer was concerned about Jacobitism in Maryland and Pennsylvania; and of course he took care to mention that "Roman Catholicks have been deemed subjects of a foreigne power, and by instruction of their preists and principles will be in the interest of a R. C. prince." He alluded to the troubles under Hart: "The late Governor Hart had warm contests with the R. C.; in so much that, by an agent in London, the Spanish ambassador was solicited for lands in the Spanish West Indies for 'em to settle and retire to with there effects, in case Mr. Hart continued governor, or did further oppose them; and they were answered that they should have lands assign'd them, and al imaginable encouragements." Again the writer harped on Jacobitism, and continued: "The year after the South Sea Scheem, the Jesuits in Maryland solicited for mony to improve their interest and settlement of the Jesuits here and elsewhere; but was answer'd that they [*the Jesuits in England*] had been great sufferers in the year 1720, and could not than [*then*] assist them. I lay this before you for the sake of my country, that you may make your own use of it. A. D. Apr. 8."<sup>1</sup>

Proposed  
migration of  
Catholics to  
West Indies.

This writer, seemingly a native of Maryland, was well informed on Jesuit affairs, and those of the Catholics. He mentioned the Catholic project of migration; the expansion of the Jesuit missionary life; the dependance of the Maryland mission on economic support from England; and the embarrassment of the Jesuits in the mother country. We have only to touch on the main points here briefly, and we shall cover the period from 1720 till 1773. Many of the documents relative to this portion of the history we have published in another part of our work.<sup>2</sup> Others we shall point to in due order.

As to the emigration of Catholics from Maryland, we observe that, besides the project of removal to the Spanish West Indies, there was another plan, that of settling in French Louisiana. Father Peter Attwood lent his signature to a petition, which Charles Carroll on a visit to his son in France presented to the French Government. Carroll and many other Catholic gentlemen of Maryland asked for a grant of land on the Arkansas River. The negotiation did not succeed.<sup>3</sup> But the two

Another pro-  
posal of  
migration:  
Louisiana.

<sup>1</sup> P. R. O., *Md.* 558, f. 246; signed, "A. D."; addressed to Lord Townsend, "at the Cock pit, White hall"; endorsed; "April 8, 1727."

<sup>2</sup> Documents, I., Exoursus, sect. ii., Nos. 24-107.

<sup>3</sup> Scharf, i. 390.—That this was different from a later project (*infra*, p. 547), during the final anti-Catholic campaign of 1750-1760, appears from the name of Attwood among the signatures.

plans of migration, one towards the Spanish West Indies, the other towards French Louisiana, show that these English subjects thought any country and government preferable to the intolerance of English rule.

As to the financial basis of Jesuit ministries and their expansion, the mission was always sinking money, though always extending in spite of its embarrassments. Gifts of land were not wanting to it; nor were harpies wanting to swoop upon the land. The donations of property came chiefly from members of the Order, who according to their vow of poverty had to divest themselves of all their possessions within five years after being admitted. We have traced not a few of those Fathers who chose to convey their patrimony, or a part of it, to the Maryland mission. Sometimes, however, natives of England or of Maryland placed their lands or funds simply at the disposal of the English Provincial, a usual form of assignment when goods were disposed of in favour of the Order. Here the Provincial not only had a common fund on which to draw for England and America, but naturally had regard to the native country of the donor. Over and above all this was the beneficence of the parent Province to the mission. The leakage of home resources in the direction of Maryland caused little concern to the English Provincial, until the Jesuit affairs in England became embarrassed. Then the disbursements from London in favour of the growing mission came to be regulated on a basis of stricter business principles.

To illustrate this course of material development, we mention that Robert Brooke applied all his landed property to the service of the Maryland mission.<sup>4</sup> Ignatius Brooke, Robert Knatchbull, Joseph Semmes, bequeathed their lands to the mission, or gave powers of attorney to the Fathers for negotiations respecting the property.<sup>5</sup> George Thorold's manor of Little Benton in Lincolnshire, England, had been sold by him at some time to Lord Cardigan; but there seems to have been a connection between that sale and Maryland, as if he had bestowed the proceeds on the mission.<sup>6</sup> Here it may be observed that, when a member made a present of his fortune to the Society, we can scarcely regard him as giving a pledge to his religious vocation, seeing that he had already given much more, his person and his life.

Donations of  
Jesuits' pri-  
vate estates to  
the Order.

<sup>4</sup> Documents, I. No. 42.

<sup>5</sup> *Ibid.*, Nos. 65; 69, A, B; 72, A, B.

<sup>6</sup> *Ibid.*, No. 51, note 5.

As it was said of Knatchbull, that he had resigned his property absolutely to the Provincial,<sup>7</sup> and yet we find that the whole of it went to the American mission;<sup>8</sup> so we may infer, with respect to the other Americans who left their property to the same authority, that the Maryland-Pennsylvania establishment was in such cases the beneficiary. This was the usual policy in the administration of the Society; and from the very beginning had been the subject of internal legislation.<sup>9</sup> Henry Neale, Benedict Neale, Arnold Livers, Francis Digges, John Digges, are all noted as having resigned their property absolutely to the Provincial, without any further specification.<sup>10</sup> We have only stray fragments of the records. But the custom of Maryland parents in providing a patrimony for all their children is well ascertained. Whether sons or daughters stayed in the world and married, or entered religion and became Jesuits or nuns, all came in for their share.<sup>11</sup>

Alike fragmentary are the records about funds. The original purchases of estates in Maryland had been at the expense of the parent Province.<sup>12</sup> Whether on account of estates purchased, or by the advance of money in London for the sea voyages of men to America, the mission became heavily indebted to the Province, which, with much benignity, gave a release with a paternal admonition to behave better in the future. This release was granted more than once.<sup>13</sup>

Allotment of  
English  
vince funds to  
the mission.

<sup>7</sup> Documents, I. No. 50, A; where he is called, "*Missionarius Marylandiae* [!]"

<sup>8</sup> *Ibid.*, No. 69, B.

<sup>9</sup> Cf. Fine, pp. 461, 462, § 27, 2c.—However, the original occasion of such decrees had been only the jealousy of governments at seeing resources withdrawn from the respective countries. This jealousy inspired a fixed policy. In 1694, Brother Peter Beaugrand was arrested in England for attempting to send money over to St. Omer's College—the payment by parents for their sons' boarding (*Anglia, Epist. Gen.*, 1694, November 20, the General to Persall, Rector at Liège).—Of. 2 Kent, *Comm.*, 67.

<sup>10</sup> Documents, I. No. 50, A.

<sup>11</sup> This equitable view of parental obligations underwent a change in the new circumstances of the nineteenth century. Bishop Leonard Neale, who took great interest in the Visitandines of Georgetown, had occasion to say in 1818, with respect to a postulant: "Experience has taught me that many parents now-a-days think little of leaving anything to their children, after they are once secured in a religious order" (Georgetown Coll. MSS., 1818 (?), October 29, to E. Fenwick, S.J.).

We do not see any signs, among the provisions made by American parents, of the life annuities or pensions which were frequent in the allotments of English parents to their children, whether priests or nuns. The reason, no doubt, is that money was the rarest of articles in the plantations. Land and tobacco were the substance of wealth. The bills to be paid for the tobacco by the Glasgow and other merchants went to pay immediately in Great Britain for all kinds of necessities. The education of children at St. Omer's and in convents was paid for by such bills, subject to the risk oftentimes of being protested.

<sup>12</sup> Documents, I. Nos. 24, seq., 30; cf. No. 48.—History, I. 264.

<sup>13</sup> *Ibid.*, Nos. 51, 52.

A large loan of nearly £2000 sterling, placed by the Province at the disposal of the mission, was never repaid.<sup>14</sup> Father Attwood had thought of calling upon the Catholic flock for some contributions. The Provincial Turberville did not approve of the suggestion (1728).<sup>15</sup> The Provincial Corbie reaffirmed this principle of maintaining financial independence (1759), though, in the encumbered state of Province affairs, he threw out two alternatives, one being a gentle threat.<sup>16</sup> He said that the "flourishing mission" might find itself decaying for want of new men if it did not pay for their outfit and voyage; or else it might "be found necessary to levy charitable contributions upon those for whose help and assistance they [*the new men*] are procured."<sup>17</sup>

As to losses by the South Sea Scheme, the correspondent of Lord Townsend was not misinformed. What with investments badly made, and the dilapidation of property through the Popish Plot and the anti-Catholic Revolution, "we have lost," wrote the Provincial Turberville in 1727, "near £30,000 since the Popish Plot, and are daily losing; which in a short time will make us incapable to serve our neighbor. Mr. Kennets [*the procurator's*] office ruined unless he can redress it."<sup>18</sup>

<sup>14</sup> Documents, I. No. 54.

<sup>15</sup> *Ibid.*, No. 51. Cf. No. 59, Bishop Carroll's review of the situation.

<sup>16</sup> It was this Jesuit principle, a peremptory one, of financial independence which made the French donors of land for the Order, in Canada, state explicitly that, in consequence, they attached no conditions hampering their beneficence. See *supra*, §§ 140-145, *passim*.

<sup>17</sup> *Ibid.*, No. 56.

<sup>18</sup> Engl. Prov. Arch., Thorpe's *Extracts*, 1727, Turberville to Sabran, May.—There is an elegy running through the extracts of correspondence: "1721. No news here but misery and confusion occasioned by the South Sea. God send us well out of it. May. E. Gage to Ebersson." Forty years later: "Mr. Corbie's [*the Provincial's*] outgoings exceed his incomes by above £1000 p. ann. How long, pray, can he go on at this rate, and what will become of his family? He makes his procurator's heart bleed to think of it. 11 Spt. 1761. P. [*Poynts(?)*, *the procurator*]." This was the Provincial Corbie who made the backsliding mission of Maryland take her share of her own burdens. See Documents, I. No. 56.

Owing to the South Sea investment, the London college alone, consisting of thirteen Fathers, eight in the city and five outside, found its means reduced from 1625 *scudi* annually—the interest of funds and the allotment of Jesuits' life annuities—to 54 *scudi*; that is, from about £28 annual allowance for the maintenance of each Father to about £1. (*Anglia, Catal.* 3, *seu rerum*, 1723, where, however, the number in the college is distinctly said to be 26. Foley, *Collectanea*, I. clxiv., reports thirteen, as living on those funds; the rest, he says, lived upon the alms of the Catholics.)

The reason for such investments as that of the South Sea is given in a document of about 1800, written by Father William Strickland, London procurator at that time. Speaking of the past, he says: "An idea in those times pretty generally prevailed that moneys belonging to religious uses were not secure in the English funds, or on any securities in this country; and the consequence was that foreign securities were eagerly sought for; and, when found, the money was placed on those securities. By the failure of these securities very considerable sums were lost." (Engl. Prov. Arch., P. memorandum book, pp. 2, 3. Strickland is speaking of the Lavalette affair.)

Among gifts of land made to the mission of Maryland by persons not belonging to the Order, three fall under our notice. One was very ample. The estate of White Marsh, 2000 acres in Prince George county, was devised to the Society by James Carroll (February, 1728, O.S.). This gentleman was a cousin and godfather of Charles Carroll, second of the Maryland line bearing that name. The devise in favour of the Fathers named by him was effectual; and the land-sharks of the time seem to have left it alone. But the dispositions which he made in favour of his two nephews, Anthony Carroll and James Carroll, were not so fortunate in the event. Both of these nephews became Jesuits. The two executors were Charles Carroll, Esq., the cousin and godson just named, and Dr. Charles Carroll, of Annapolis, surgeon, also a cousin of the testator. This latter gentleman defaulted, having already abandoned the Catholic Church; and the suit instituted by Charles Carroll, Esq., joint executor, against the defaulting surgeon led to the violent anti-Popery agitation of 1750-1756.<sup>19</sup> Besides this donation of White Marsh, the most valuable of all the Jesuit estates in Maryland and Pennsylvania, there was a gift (1758) of over 800 acres from Mr. Joseph Gates, who was called by Father Thomas Digges, "the Baltimore County Saint."<sup>20</sup> Another conveyance, that of a small property, 115 acres, was made at Deer Creek, in Harford county, by Thomas Shea (1764).<sup>21</sup> Matters of less consequence we omit here.

§ 212. The allocation of considerable money to the service of the Jesuits in 1740 and 1744 seems to show a trend of policy at the time, as if, England becoming more and more impracticable, the English Jesuits and their friends were looking towards America, and especially Pennsylvania, for a fair field of ministerial work in the future.

About 1734, the Jesuit Joseph Greateon had opened a Catholic chapel in Philadelphia.<sup>1</sup> This Father was a convert, who had been ordained in the English seminary of Valladolid. A petition of

<sup>19</sup> Documents, I. Nos. 62, 63.—*Infra*, § 220.—If, at the moment of the devise, the property of White Marsh escaped intact the anti-Popery spirit of 1729, it still showed in the sequel how lynx-eyed people were to detect any flaw in a title. An ill-worded will of Father Thorold's in 1737 had the effect in 1805 of vacating almost all the Jesuit titles to real estate; so that an act of the Maryland legislature (January 28, 1807) was necessary to amend the technicality, and re-establish the title as it was in equity. (*Ibid.*, Nos. 64, C; 165.)

<sup>20</sup> *Ibid.*, No. 66.

<sup>21</sup> *Ibid.*, Nos. 73, 84, A.B.

<sup>1</sup> Cf. *Researches*, xvi. 59-106, M. I. J. Griffin, "Rev. Joseph Greateon."

his to the Propaganda (1704) is recorded, asking for a dispensation from the irregularity contracted, by having been born of heretical parents, and having himself professed heresy.<sup>2</sup> He then entered the Society in 1708.

While Greateon was engaged in Philadelphia, Father Henry Neale arrived from England (1740), having views of a wider bearing.

He wrote presently from Philadelphia to the Provincial Shireburn, reporting how he found the prospects, "for present and future views"; and he drafted a plan for "making a settlement," as he said, "according to your proposals." A land establishment could be made at the cost of £800 or £1000. However such a foundation might help the missionaries in Pennsylvania, it was not meant for them; because, in the same letter, Neale discussed the other question of annuities supplied from England for the maintenance of missionary Fathers in Pennsylvania.<sup>3</sup> We infer that the plan regarded a formal collegiate establishment in the great colony, where, said Neale, "we have at present all liberty imaginable in the exercise of our business, and are not only esteemed but revered, as I may say, by the better sort of people."<sup>4</sup>

The project then, as conceived by the Provincial and reported on by Henry Neale, had two parts: one that of missionaries being placed in different districts of Pennsylvania, the other that of a settlement according to the Provincial's proposals, for the actuation whereof the purchase of a "valuable tract" there and then would be "the most advantageous" of methods. Each part of the plan was provided for about that time. An English Catholic gentleman, Sir John James, had made his will on May 15, 1740, three weeks before Neale left England (June 10)<sup>5</sup>; and he had provided a capital of £4000, the interest of

Flying mis-  
sions. Sir  
John James's  
fund.

<sup>2</sup> Prop., Acta, 1704, November 24, 4°. "4. Tomasso Poel e Giuseppe Greateon inglesi espongono all'E.E. VV., come doppo la loro conversione dall'eresia alla santa fede cattolica furono ricevuti da' P.P. Gesuiti nel loro seminario in Fiandra [St. Omer's], e poi mandati al seminario inglese di S. Albano in Spagna, ove prestato il giuramento di ordinarsi sacerdoti hanno fatto il corso de' loro studi. Avvicinandosi però il tempo di ordinarsi, e ritornare alla loro patria, supplicano l'E.E. VV. a degnarsi d'interceder loro per tal effetto la dispensa dall'irregolarità contratta per esser nati di parenti eretici, et haver loro stessi professata l'heresia. Rescriptum: Ad Sanctum Officium. [In marg.:] Collegij. Anglia."

<sup>3</sup> Greateon, looking for a German missionary who should move about among the country parts, had thought £20 per annum a sufficiency for the maintenance of an individual. But Neale says that his own abode must be in town; that he must have a horse to attend the poor people up and down the country; and that a £40 annuity will be needed. To serve the German population, the Jesuits Schneider and Wappeler were expected.

<sup>4</sup> Documents, I. Nos. 100, 101; H. Neale, Philadelphia, April 25, 1741.

<sup>5</sup> In the letter just cited, April 25, 1741, Neale says he had been on ship-board

which, abstracting only £40 "for London, to assist the poor," was devoted to "the Jesuits for missionaries in Pensilvania." By good investment and good management, this capital might have yielded £160 per annum, which, according to the original conception of £20 annuities, would be enough for the support of eight Jesuit missionaries, exclusive of Greaton in Philadelphia.<sup>6</sup> The administration of the fund was confided to the Vicar Apostolic of the London district. So much was for the maintenance of Jesuit Fathers, engaged in Pennsylvania missions.<sup>7</sup>

from June 10 till the end of November. Then by the severity of the winter he had been detained in Maryland, arriving in Philadelphia, March 21, 1741.

<sup>6</sup> Documents, I. Nos. 70, 101.

<sup>7</sup> The way in which this Sir John James Fund came to be administered gave great dissatisfaction to Father George Hunter, superior of the Maryland mission. Thus, December 8, 1755: "20 sterls. for 8 Germans in Pensylvania per annum. Two next years only £15 each" (Md.-N.Y. Prov. Arch., (i), *Conewago*, doc. (a) Memoranda). To Father Poyntz, London procurator, October, 1760: "I have acquainted Messrs. Frambach and Pellents of Mr. Challenor's orders not to draw. But what a foundation is this, to send men to a foreign country under a notion of a yearly salary, and, after fixing them in the place [*Lancaster town and Conewago Jesuit farm*], lopping them off every farthing on any extraordinary emergency? Would they do so with their own? And will not that gentleman's successors hereafter, notwithstanding, pretend to these gentlemen's settlements, right and inheritance? Lett this [be] obviated in due time. . . . I wish what you advance of Mr. [Father] Leonard's were true as to an annuity; as he's gone to a new settlement in Pensilvania, where there's no foundation but the good will of his people; and they all such as came in servants; consequently the burthen must light upon us, unless Mr. Challr. [*Vicar Apostolic of London*] can and will assist him." Hunter enlarges on his embarrassments: "The Pensilvania [*gentlemen*] are shaken off, whom we therefore must provide, or else they must starve." "You must not wonder at my not sending you bills for the discharge of Province debts, when you see what sums I'm obliged to remitt to Mr. Perkins [*a merchant*], to pay off one man's bad management"; which means apparently that, realizing on tobacco in England, he had to spend the proceeds on the maintenance of the German missionaries. (*Ibid.*, G. Hunter's *Letter-Book*; October 1, 1760.)—The General Retz had distinctly laid it down as a first preliminary for the Provincial Henry Boulton, that to obtain German Fathers at all he should be quite certain of the means being provided for the journey and for future maintenance. (Documents, I. No. 7, X<sup>2</sup>: July 16, 1740.) Yet eight years passed before anything whatever was realized under Sir John James's will. The reason was that a suit in chancery was brought by the heirs, to make void the charitable bequests, under the mortmain act of 9 Geo. II. c. 36 (1736). Cf. Documents, I. No. 70, A. In effect, Bethlehem Hospital and St. George's Hospital, London, seem both to have lost their shares; but the Pennsylvania allowance, which was conveyed under a secret or spiritual trust, escaped the pruning knife. (*Researches*, viii. 118-120. *Records*, xi. 195-209.—See *infra*, p. 662.) Under the same date, October, 1760, Hunter laid all the same matters of fact and his grievances before the Provincial, Father Corbie (*Loc. cit.*).

But it is curious to observe how the suppression of the Society, occurring a few years later, broke off the thread of recent history among the Jesuits, quite as much as the early revolutions in Maryland had buried the original history out of sight (cf. Appendix C., pp. 647-651).

Fathers Henry Neale and Wappeler had, in 1742, secured lots in Lancaster town. Fathers Neale and Greaton had bought lands and procured the patent for 373 acres of the Goshenhoppen estate (about 500 acres), in 1747 and 1752. Father Wappeler had purchased the first portion (100 acres) of the Conewago estate (500 acres), prior to December 1, 1759. See Documents, I. Nos. 108-106; cf. No. 114, C. Now, how all this matter of Jesuit names and operations loomed up before Jesuits themselves of a later generation, may be illustrated by the reports of Father Augustine Bally, S.J., 1844 and 1868. This Father was connected with Goshenhoppen during forty



Besides providing means for the maintenance of missionaries in Pennsylvania, funds had to be supplied for the purchase of land, and effectuating the Provincial's purpose, which apparently was that of founding a collegiate establishment. The funds were forthcoming about 1744. Father Gilbert Talbot or Grey, the thirteenth Earl of Shrewsbury, succeeded to the estate of his brother, John Talbot of Longford, who died intestate. Before Father Talbot's profession in the Society he had made the final act of renunciation, in the terms of giving to the Order all his property and rights, whether actual at the moment or contingent in the future. Respecting a family controversy which ensued, when Father Talbot, and through him the Society succeeded to the Longford estate, we have given in another place the letters of Father Retz the General to the Provincial Shireburn.<sup>8</sup> The settlement of the controversy was a compromise,

A collegiate establishment. Father Talbot's estate.

years. He embellished his report of 1844 with observations like the following, in text and notes: "Of these 494 acres [at *Goshenhoppen*], 378 were bought by the Rev<sup>d</sup>. Father Robert Harding (clerk at Philadelphia, as the deed expresses it) from a certain Rev<sup>d</sup>. Joseph Greateon clerk at Philadelphia for the sum of 800 pounds in the year 1752. [Note 1] . . . Whether the Rev<sup>d</sup>. Joseph Greateon were a member of the Society of Jesus I cannot say. He sold it [by way of pure formality] to Father Robert Harding, who, as I believe, was a Jesuit Father. [Text 1] The remaining 121 acres were anteriorly bought by a certain Henry Neale Gent. of Philadelphia for the sum of 250 pounds from a certain Ulrich Beidler in the year 1747. [Note 1] Who Henry Neale was I do not know; whether he was a clergyman and Jesuit Father is not known; the deed only says that Henry Neale Gent. of Philadelphia bought it. . . ." (Md.-N. Y. Prov. Arch., carton A. 7.; report of October, 1844, to the Provincial; so likewise that of November 1, 1868, is to the Provincial, A. Paresce.)

If Jesuits knew so little about their own antecedent history, their good flocks might be excused for knowing less. Father Bally had occasion to remark: "There was always a vague report in our congregation, that the Rev<sup>d</sup> Father Theodorus Schneider bought the lands for the use of Goshenhoppen congregation; and consequently that they need not contribute for the support of the resident clergyman, as there is land enough for his support." Here Bally continued: "That the farm was bought by Father Theodor Schneider is utterly false, as can be seen from the deed. Rev<sup>d</sup> Robert Harding bought it; and whether he bought it for the use of the people worshipping there, or for the use of the Society of Jesus, I cannot tell" (*Loc. cit.*, 1844).

For the particular circumstances of the Pennsylvania landed foundation, see Documents, I. Nos. 102-107.

<sup>8</sup> Documents, I. No. 7, E<sup>3</sup>-V<sup>3</sup>; 1743, 1744.—Of Westm. Dioc. Arch., 1743, *passim*; also the printed volume, "Talbot of Longford's Case" (a copy of which is in the Jesuit residence, London), containing the respective controversial papers. The writer of the first two papers was Bishop Stonor of the Midland District (cf. Documents, I. No. 7, O<sup>3</sup>). In one of the papers on the Jesuit side is rehearsed the judgment of the Piacenza case, to which Father Retz alluded (Documents, I. *Ibid.*, K<sup>3</sup>, N<sup>3</sup>). Fine (*Jus Regulare*, pp. 412-414, § 8, "*Secundus casus*") cites the General Noyelle (August 12, 1683) upon the issue of a professed Jesuit succeeding *ab intestato*, as the General Retz does (*Ibid.*, G<sup>3</sup>). But from the negative declaration of Noyelle Father Retz was willing to recede, in particular circumstances, and under certain conditions. With regard to the English Province, the question had been agitated under the General Tamburini, 1727 and 1728; and then was reopened under Father Retz, as above, on occasion of the Talbot case. (Cf. Engl. Prov. Arch., Thorpe's *Extracts*, Turberville to Brown, August and October, 1727.—

by which the Provincial retained one portion, resigning the rest to family connections of Father Talbot. As the personal effects alone were apparently £30,000 sterling in value, while the real estate in question was rated at £5000 a year,<sup>9</sup> the portion which remained to the Provincial was, no doubt, considerable.

The latter explained at once to the General that he and his councillors were in favour of using the fund for the school at Boulogne-sur-Mer, and for Pennsylvania; and that the house of studies at Liège might be passed over in the allotment. The General expressed his hearty approval.<sup>10</sup> Thus Pennsylvania was ranked with a collegiate foundation on the continent of Europe at Boulogne, where Father William Blakeston at the time was conducting a boarding school<sup>11</sup>; and the question of buying "an estate in Pennsylvania" was considered "as of more pressing importance" than that of favouring the scholastic house of studies at Liège, "since the common necessities of our business, and the particular condition of that house recommend that we do so." As the care of a scholastic house for philosophical and theological studies was one of the prime interests with a Provincial, more so than the project of founding a college or even maintaining one, it is evident that some paramount reason was weighing in favour of the American colony—at least that of a collegiate foundation; and more probably, what a later tradition of the American Jesuits suggests, that of founding a scholastic house of studies for the young Jesuits of America.

Significance  
of the  
Pennsylvania  
foundation.

Stonyhurst MSS., *Anglia* A. vii. No. 88, Louis Alvarez, general reviser S.J., July 22, 1727.—*Anglia, Epist. Gen.*, August 28, 1728, Tamburini to Turberville, Provincial.)

The gist of the question appears sufficiently in the two passages of Thorpe: "1727. The difficulty was never started, till some 8 years ago in Mr. Cotton's [?] case by Mr. Parker. Our Fathers, both good and wise, took what the law gave them; and the laws were not then so severe as now. If we stick close to the decision given then to the queries in that case, the Province can not long support her children. Turb. Brown. Aug." "1727. The difficult case is this. An English Jesuit after his last vows, like others, can neither take, nor any house for him, anything that comes by descent, or *ab intestato*. For this I desire to have a dispensation, till we shall have be - - - as any under the laws, as other Provinces. . . . Turb. Brown, Oct." The answer of the General Tamburini was, that each case had to be judged on its merits: "*P. Joanni Turberville, Provinciali, 28 Augusti* (1728). *Perpensis rationibus, quarum R. V. in ultimis ad nos datis meminit, pro jure successionis facta resignatione etiam in bonum Provinciae et Missionis, difficile prorsus videtur universim aliquid statuere. Quare R. V. et sui in officio successores noverint in casu particulari recurrendum esse ad nos, ut visis rationibus et specialibus circumstantiis constare possit, quid in bonum Provinciae et Missionis concedi valeat.*"

<sup>9</sup> Documents, I. No. 67.—Cf. Foley, *Coll.*, p. 1477\*, other estates of G. Talbot.

<sup>10</sup> *Ibid.*, No. 7, U<sup>3</sup>, V<sup>3</sup>.

<sup>11</sup> *Anglia, Catal.* 3, 1744, and following years.—In 1753 it is noted as having been moved to, that is, merged in St. Omer's: "*E. Convictus olim Bononiae ad Mare; modo Audomar<sup>o</sup>.*" In 1755, it is reported to be at Watten: "*E. . . . nunc Wattenensis.*"

§ 213. The gentleman, signing himself "A. D.," who informed Lord Townsend about the Catholic peril in Maryland, about Catholics being "deem'd subjects to a foreign power, and by instruction of their priests and principles" being bound to "the interest of a R.C. prince," went on immediately to couple with Maryland the adjoining province of Pennsylvania, where, said he, "the collector, secretary and some of the council was formerly reputed in the interests of the Pretender."<sup>1</sup>

About 1727 divers Catholics had come into Penn's colony, among "many thousands of foreigners, mostly Palatines." Irish from the North of Ireland arrived in great numbers. The year 1729 saw 5655 immigrants landed, and they were mostly from Ireland. James Logan wrote to Governor John Penn that "both these sorts sett frequently down on any spot of vacant land they can find, without asking questions." He added: "Both they [*the North of Ireland people*] and the Palatines pretended that they will buy; not one in twenty has anything to buy with."<sup>2</sup> Divers German Catholics slipped in at the time. The Irish Presbyterians became an important element in some anti-Papist agitations. Irish Catholics seem to have been few. Nevertheless, as being "Irish Papists," they attracted the notice of Lieutenant-Governor Gordon, and of the representatives (December, 1728), who proposed to restrict "the importation of Irish Papists and convicts." In subsequent legislation the term "Papists" was omitted; and a tax was imposed of twenty shillings on "Irish servants" imported, forty shillings on aliens."<sup>3</sup>

When St. Joseph's Catholic chapel was opened by Father Joseph Greateon, it is said that the whole congregation in 1734 did not exceed forty persons, of whom the majority were Germans.<sup>4</sup> If this was the proportion of the German element among Catholics in the city, where the Irish naturally settled, we may infer the preponderance of German farmers in the outlying country. All agreed that none were ever better as farmers than Germans. Father Henry Neale lighted on "poor Germans desirous of performing their

<sup>1</sup> *Supra*, p. 491.

<sup>2</sup> *Researches*, vii. 155; xxviii. 170, Logan, November 25, 1727, to Governor J. Penn.—An Irishman, applying in the name of 400, said to Logan, "The proprietor invited people to come and settle in his country. They are come for that end, and must live."—*Of. Lecky, Ireland*, i. 245-248, on the Scotch-Irish emigration.

<sup>3</sup> *Researches*, xvi. 71.—*Hasard*, i. 716-721, petition of the Penns to the King, December, 1746, on the tardy disallowance of legislation passed in 1722, 1729, etc.

<sup>4</sup> *Researches*, xxviii. 170.

duties," and he longed for the coming of the "German gentlemen."<sup>5</sup>

In the matter of procuring German missionaries, the General Retz did not quite understand how Father Boulton, Provincial of a European province, could ask for assistance from other European provinces. This was encroaching on a privilege of remote foreign missions. The General was obliging, however, and offered to forego his rights on some men, who were registered for the Indies.<sup>6</sup> The result was that Fathers Theodore Schneider and William Wappeler came over to Pennsylvania, and founded the establishments at Goshenhoppen and Conewago. Schneider had been Rector Magnificus in the University of Heidelberg (1739).<sup>7</sup> He and Wappeler, as well as those who followed, Steynmeyer *alias* Farmer, Sittensperger *alias* Manners, Pellentz, Frambach and five others<sup>8</sup> who worked in the Pennsylvania and Maryland mission, all maintained the best traditions of Jesuit missionary life, with their laborious zeal and their self-denial in the service of souls.<sup>9</sup> Their chief stations were at the farms just mentioned, and in the town of Lancaster.<sup>10</sup> Some residence was mentioned by Father G. Hunter in 1760, as being settled by the new-comer, Father Leonard, who had no provision whatever for his maintenance except such as the charity of the faithful would supply—"and," wrote Hunter, "they all such as came in servants."<sup>11</sup>

The English Fathers, first Greateon and then Harding, who were stationed in the city of Philadelphia, did not come under the provisions of Sir John James's foundation, which was exclusively for the rest of Pennsylvania.<sup>12</sup> They do not seem to have been over well established. Father G. Hunter, writing in 1760 to the Provincial Corbie, said: "Twenty guineas, though very acceptable, will be but a small help towards Mr. Harding's new house; so that he has not yet dared to undertake anything; at the same time, by letters from Messrs. Harding, Farmer and myself, I believe you must be very sensible of the very great want they are in of one."<sup>13</sup>

<sup>5</sup> Documents, I. No. 100.

<sup>6</sup> *Ibid.*, No. 7, X<sup>2</sup>; July 16, 1740, *supra*, p. 217.

<sup>7</sup> Burns, p. 126, note.

<sup>8</sup> Bernard Detrich (Diderick, Rich), Luke Gelssler, A. Gresselt, Frederick Leonard, and J. B. De Ritter.—On divers of the German Fathers, for the time after the Suppression, see Documents, I. *passim*.

<sup>9</sup> Cf. Huonder, pp. 168-165, where fourteen are registered for English North America, with biographical sketches. The last is Anthony Kohlmann, who was recalled to Rome in 1824.—Cf. *supra*, p. 218, note 6.

<sup>10</sup> Cf. Documents, I. No. 106.

<sup>12</sup> Documents, I. No. 70, A.

<sup>11</sup> *Supra*, p. 497, note 7.

<sup>13</sup> *Loc. cit.*, *supra*, p. 497, note 7.

In 1754 the entire population of Pennsylvania was reckoned by some, wrote Governor Shirley to the Board of Trade, at 500,000; he himself was willing that it should be put down at 400,000, about twice as large as that of Massachusetts. Just then Shirley was trying to shift a burden of war expenses from his own government of Massachusetts to that of Pennsylvania.<sup>14</sup>

The Catholic  
population in  
Pa., 1757  
and 1765.

In this half-million of people the number of Catholic communicants, over twelve years of age, was, for the year 1757, exactly computed at 1365. They were chiefly Irish and Germans, under the care of Harding, Schneider, Farmer and Manners, in the eight counties of Philadelphia, Chester, Berks, Northampton, Bucks, Lancaster, Cumberland and York.<sup>15</sup> In 1765, Father Hunter reported to the Provincial that Pennsylvania had about 3000 communicants, and nearly as many non-communicants (children up to the age of about twelve or fourteen). This was less than one-third of the Maryland Catholic population. In all,

Catholic  
population in  
Md., 1765.

Pennsylvania had about 6000 Catholics for that date; Maryland about 20,000. The extent of missionary excursions in the former colony was about 130 miles long by 35 broad, on the southern border; that is to say, a territory half the depth east and west of the modern State of Pennsylvania, and one-fifth of the breadth, north and south. The entire number of German missionaries for two years later was only four, Farmer, Pellentz, Frambach, and Manners; while the Englishman, Harding, was in Philadelphia.<sup>16</sup> In the same report of 1765, Hunter said of Maryland that the excursions of the Fathers covered the whole province.<sup>17</sup>

§ 214. Reflex views are not wanting to show what these Pennsylvania Fathers were doing. About three years after Father

Philadelphia.  
The Quakers  
and the  
Catholic  
chapel, 1737.

Greaton had opened the Catholic chapel in Philadelphia, an angry writer nicknamed the Quakers of Pennsylvania as "the men of St. Omer's"; they were so fond of the Popish chapel. If the chapel of Father Greaton was open, the Quakers were prone to be absent from their own

<sup>14</sup> P. R. O., *Mass.*, 565, Shirley, January, 1754, to Bd. Tr.

<sup>15</sup> Hazard, iii. 144, 145, April 29, 1757, Harding's report, in answer to an official requisition of Lord Loudoun's time.—Cf. Shea, i. 446.—For the question of Pa. population at this time, see *Researches*, viii. 82-89, "Rev. Robert Harding," 1750-1772.—For places in Pa. where churches were founded in the eighteenth century, and for earliest known visits of missionaries, see *Ibid.*, v. 46, Dr. Middleton's list.

<sup>16</sup> *Anglia, Catal.* i. 1767; the particular stations of the men not given. In 1778, Manners was at Bohemia in Md.—See Documents, I. No. 83.

<sup>17</sup> Documents, I. No. 106, Pa.; No. 97, Md.

meeting houses. It so happened that the chapel was always open. The correspondent wrote in *The London Magazine* of July 7, 1737 : "In the town of Philadelphia is a public Popish chapel, where that religion has free and open exercise, and all the superstitious rites of that Church are as avowedly performed as those of the Church of England of St. James'; and this chapel is not only open upon fasts and festivals, but is so all day, and every day of the year, and exceedingly frequented at all hours either for public or private devotions; though it is fullest at those times when the meeting house of the men of St. Omer's is thinnest; and *vice versa*."<sup>1</sup> This spirit in the Quakers would explain why the anti-Catholic scruples which troubled the breast of the governor and his council in 1734,<sup>2</sup> and the truculent purposes of the Presbyterians who were twice inspired gallantly to approach the chapel with axes,<sup>3</sup> alike failed to mature in any substantial results. The Rev. Mr. Backhouse had his suspicions about these Quakers. Writing from Chester to the Society for the Propagation of the Gospel, in 1738, he said: "I know but four or five families of Papists in all my circuit; tho' there are many reputed ones in the Quakers' garb, and frequent their meetings."<sup>4</sup> Four years later (1742), the danger seemed to be drawing nearer. "Of late," wrote the same gentleman, "the Popish priests appear pretty numerous; one of which comes once a month to a place just within a quarter of a mile of my church at Concord." Backhouse was given to understand that these priests had "the same yearly salaries allow'd them by their propogators that our missionaries have from our Society." He continued: "In Lancaster town there is a priest settled, where they have bought some lotts and are building a Mass House; and another itinerant priest goes back in the country."<sup>5</sup>

Lancaster was a most important frontier town. A great treaty was concluded there between the English and the Six Nations (1744), the latter resigning their title of possession to all the countries which they had ever raided, and giving to the Virginians in particular all the territories which the

<sup>1</sup> *Researches*, xi. 187.

<sup>2</sup> *Supra*, p. 182.

<sup>3</sup> *Researches*, xvi. 94; in 1740 and 1755.

<sup>4</sup> Perry, *Pa.*, p. 202, Backhouse, December 9, 1738, to the secretary S.P.G.—M. Griffin explains that by the "garb" of Quakers, who had no distinctive costume in those times, was meant a "plain and simple" dress, "for use and decency, and not for pride," as William Penn had expressed himself (*Researches*, xvi. 67, 68).

<sup>5</sup> Perry, *Pa.*, pp. 232, 233, Backhouse, June 14, 1742, to the secretary S.P.G.

King of England should ever claim as far as the South Sea.<sup>6</sup> In 1765, the town contained some 600 houses, and Lancaster county upwards of 40,000 souls. But the Anglican clergyman, Rev. Mr. Barton, who reported these statistics, found only 500 Anglicans in the length and breadth of this county, with parts of two other counties besides, Chester and Berks; "the rest," he said, "are German Lutherans, Calvinists, Mennonists, Moravians, New Born, Dunkars, Presbyterians, Seceders, New Lights, Covenanters, Mountain Men, Brownists, Independents, Papists, Quakers, Jews, etc." Of the Papists in Lancaster town he said that they had "a Popish chapel, constantly supplied by Jesuitical missionaries." His own quota of communicants was twenty-five.

As the case was so hopeless—"no wonder," said he, "that the National Church should be borne down"—we see at once why this reverend gentleman gave his vote unsolicited for despoiling the Catholic Church in Canada, which seemed to be rather a long way off from him and his back country. His words merit reproduction. He wrote in the same letter: "I hope to be indulged if, with all humility, I should observe that it is thought the lands lately belonging to the Romish clergy in Canada are sufficient to support a [*Protestant*] bishop in America, and a number of missionaries in the new conquests, without adding to the burden of the mother country; and that his Majesty, if properly applied to, would be graciously pleased to appropriate them to this use."<sup>7</sup>

The Rev. Thomas Barton, who wrote thus in 1764, was the same gentleman who lived to sign, fourteen years afterwards (May 30, 1778), the humble petition of the Protestant Episcopal missionaries, addressing the republican Assembly of State convened at this same town of Lancaster—a petition in which, begging for toleration on their own behalf and deprecating spoliation for not taking test oaths, they cited the "privileges" which Popish missionaries had always enjoyed. This remarkable passage also merits a rehearsal. The petitioners said: "The Popish missionaries have ever enjoyed the same privileges in all the different countries they have visited. The Great Mogul has allowed them protection and liberty of conscience in all his vast dominions. Throughout Asia and Africa, the Philippine Islands and the Isles called the Ladrones [*Robber Islands*] in the South Sea, they

A Lancaster historical episode.

<sup>6</sup> *Supra*, p. 229.

<sup>7</sup> Perry, *Pa.*, pp. 366-372, T. Barton, Lancaster, November 16, 1764, to the secretary S.P.G.—*Cf. supra*, p. 312, *ad* note 2.

are suffered to exercise all the duties of their functions, without binding themselves to any of those countries by the sanction of oaths and tests.”<sup>8</sup> This passage was not quite felicitous in implying that Pennsylvania was below the level of the Robber Islands in the South Sea. Nor was it quite accurate, when it affirmed that “in all the countries” visited by Catholic priests, they had enjoyed privileges; seeing that, among such countries, they had visited England, Ireland, Scotland, the American colonies on the continent, and the West Indies. But, passing over this inaccuracy and the want of tact, there was a degree of critical circumspection in the statement, precisely where it was incorrect. These Protestant Episcopal ministers of Pennsylvania projected the beautiful picture of toleration away into the far distance of the Great Mogul’s empire, amid the social and religious harmonies of the Vale of Cashmere; and even farther still, amid the tranquil amenities of the Robber Islands in the Pacific. The middle distance of the British enclaves in the Great Mogul’s empire, at Madras and Bombay, they discreetly shut off from view; and much more the near distance of Great Britain and British America. This was in 1778. In 1771 New York people too had been similarly plaintive, and possibly penitent. The Rev. Charles Inglis, A.M., and three other divines who appended “D.D.” to their names, Auchmuty, Chandler, and Ogilvie, were a committee appointed by the Anglican clergy of that colony to plead for the toleration of a bishop. They wrote in a piteous letter to the Earl of Hillsborough: “We wish not to interfere with the rights and privileges of others, or to abridge that ample toleration they already enjoy.”<sup>9</sup> But the gentleman Inglis, who put himself last in signing and was probably first in producing the document, was no sooner in Nova Scotia as its first bishop than he dropped the lamb’s skin, was himself again, and began to harry dissenters and Catholics alike.<sup>10</sup>

<sup>8</sup> Perry, *Pa.*, pp. 491–493; signed by Thomas Barton, Missionary at Lancaster.

<sup>9</sup> P. R. O., 276, p. 8; New York, October 12, 1771.

<sup>10</sup> Cf. *supra*, p. 418, note 1; *infra*, p. 602, note 10.—What was said of the Great Mogul’s empire had truth in it, so far as the Orientals were left to themselves. And, even where they were not, as at Madras under the rule of the East India Company, they were still inclined to religion and Popery. So the Rev. W. Stevenson, a great character of the S.P.C.K., wrote to his employers in London: “Seeing Papists are reckoned a sort of Christians even though they be idolaters, our poor people are easily drawn over to their wicked superstition”—signifying that they were not drawn over to his. This was said in 1715. The Portuguese Catholics also happened to be imbued with Catholicity. But, the religion of Jews, Mahommedans, and Gentoos being treated with respect, the Catholic religion was ignored by the Company; and the S.P.C.K. religion forced down people’s throats. Stevenson did what he liked. The Anglican historian of Madras says of him, that he was the idol of the S.P.C.K. and the hero of Anderson, the Queen’s chaplain; he “upset the



Not far from Lancaster, in Pennsylvania, the Anglican clergyman at Reading expressed some surprise at the number of Catholics who approached the Sacraments on Trinity Sunday, Reading.

1765. They were said to have exceeded two hundred. The Popish congregation there, he wrote, were served by a Jesuit priest once a month.<sup>11</sup>

In 1756, a Popish Plot was concocted by some one in Pennsylvania. Its object was to bring the English Government down on

A Popish  
Plot con-  
cocted, 1756.

Catholics; its purport was to palm off on them treasonable correspondence with the French Government; and the vehicle of the plot was a set of letters, in which the forger assumed the character of a Catholic, signing himself "*Filius*

parliamentary provision for the Christian teaching of the Portuguese and native inhabitants of the Company's territories"—some million of people. Danish and German Lutheran ministers were swept in, as the favoured employees of the S.P.C.K.; and into the hands of these, half a century later, Admiral Boscawen, riding about with the British squadron, swept what remained of Catholic churches about those parts. See *supra*, p. 180, note 24. The Anglican historian says complacently: "When Admiral Boscawen and the council at Fort St. David decided to expel the Roman Catholics [*Capuchin missionaries*] from the Fort [*St. George, the town of Madras*], there was an unmistakable feeling of satisfaction in the Lutheran circle" (1749); and an ordinance was made, as the Rev. Fabricius wrote with delight, "that henceforth nobody should cause his slaves to be made proselytes to the Popish faith under the penalty of losing them"—that is, no poor native should be allowed the choice of his religion. The Danish and German Lutherans were about as cryptic and oblique in their manner of stating things as the Anglican historian of their employers; who proceeds: "Besides advising the expulsion of the Capuchins, Admiral Boscawen strongly advised the governor and council to encourage the 'British mission' at Madras. This recommendation induced the local government to put the Lutherans into possession of the newly built country church at Viparee, together with the houses and gardens belonging to it, which had been built since Fort St. George and Madraspatam had been taken by the French"—and so forth. Without any such circumlocutions and indirect statements of the robberies, both Fabricius and the Anglican historian give a most direct description of the "fine building," comfortable housing, school, and productive gardens, into which the S.P.C.K. parasites had forcibly intruded themselves (1753). And Admiral Boscawen is kept so persistently sailing through the pages, that one begins to doubt whether he had anything at all to do with the exploits of the robbers. (The Rev. Frank Penny, *The Church in Madras*, pp. 120, *seq.*, 141-143, 483, 484.—On Boscawen, cf. *supra*, p. 180, note 24.) Cicero said very well: "*Qui semel verecundiae fines transierit, eum bene et naviter oportet esse impudentem*" (*Ad fam.*, v. 12).

At Bombay, another British enclave in the Great Mogul's empire, "it is not superfluous to note for the information of your Eminences," reported Cardinal Petra, Prefect of the Propaganda. in 1728, "that thirty years ago the Jesuit Fathers were expelled from that island [*Bombay*], and have never been able to set foot there again, their church and house serving now as a villa for the English governors, *servendo ora la loro chiesa e casa per diporto de' governatori inglesi*"; and that the same happened seven years ago to the Portuguese Franciscans" (*Prop.*, *Acta*, January 19, 1728, 14°). From Pondicherry too French Jesuits were expelled by the English (*Ibid.*, January 10, 1763, 27°).

It was the S.P.G. which had operated first in the East India Company's territory at Madras, 1706-1710. But, being preoccupied with America and the West Indies, it invited the sister society, S.P.C.K., to take charge in Hindustan. Then the results were homogeneous on both sides of the world, where Dr. Bray's two societies were at play. The date of transfer to the S.P.C.K., 1710, was that of the Rev. Mr. Andrews' segregation by the S.P.G. to the missions of the Iroquois.

<sup>11</sup> Perry, *Pa.*, A. Murray, Reading, June 25, 1765, to the secretary S.P.G.

*Gallicae*." The clumsy design was not so foolish, but that it set all the London authorities in motion, and through them the colonial governors also. When Lord Loudoun arrived (July, 1756), he continued the investigations, passing under secret review quite a number of suspected persons—Washington, Croghan, Shirley, Sharpe, Lydius, and a Baron Davis. Of course, priests could not escape the fierce light of the inquiry. "He [*the forger*] is thought to be a Popish priest," wrote the Duke of Devonshire to Mr. Fox (April 10, 1756). As the result of a careful analysis, Governor Hardy of New York brought this same conclusion home to Governor Morris of Pennsylvania: "I am rather inclined to think the treasonable correspondence must have been carried on by some Roman Catholics; I have heard you have an ingenious Jesuit in Philadelphia."<sup>12</sup>

The "ingenious Jesuit" was Father Robert Harding, a man universally esteemed.<sup>13</sup> To the church which he served till his death in 1772, John Adams took a stroll one Sunday afternoon in 1774, and he committed his impressions to writing in a letter to his wife: "This afternoon, led by curiosity and good company, I strolled away to mother Church, or rather to grandmother Church; I mean the Romish chapel." Of much that he saw he understood nothing—the rosary, the Latin hymns, the manifold signs of devout worship, and the bowing at the name of Jesus. The priest's vestments excited his admiration; and a picture of the crucified Saviour his reverent astonishment. The "good short" sermon, the playing of the organ, the singing of the choir, and the hymns chanted by the whole congregation "most sweetly and exquisitely," all captured the fancy of the Puritan or Congregationalist; and he concluded: "Here is everything which can lay hold of the eye, ear and imagination—everything which can charm and bewitch the simple and ignorant. I wonder how Luther ever broke the spell?"<sup>14</sup> The ignorance which John Adams manifested was itself the answer to his question. This was on the eve of the Revolution. In the height of the Revolutionary War, the national Congress, the general officers and citizens attended a Requiem Mass in the same church, for the repose of the soul of Don

J. Adams on  
"grand-  
mother  
Church" in  
Philadelphia,  
1774.

Congress in  
the same  
church, 1780.

<sup>12</sup> Hazard, ii. 694, Hardy, July 9, 1756, to Morris.—*Cf. Ibid.*, 689, 690, Morris, July 5, 1756, to Hardy.—For the documents of the plot, see *Records*, x. 208–221, Hughes, "An Alleged Popish Plot in Pennsylvania, 1756–1757. (From Intercepted Correspondence)."

<sup>13</sup> *Cf. Perry, Pa.*, 461, 462, W. Smith, Phila., October 13, 1773, to Bishop of London.—*Researches*, vii. 91, J. Duche, Phila., January 14, 1772.

<sup>14</sup> *Researches*, x. 51, J. Adams, October 9, 1774, to his wife. See *infra*, p. 553.

Juan de Miralles, Spanish agent. It was reported that the President of Congress, Mr. Huntington, took holy water from M. de la Lucerne, the French resident, and sprinkled himself therewith, the other members of the revolutionary Congress following their president's example. This suffices to show how the times were changing. But the sneers of the critics at the "egregious Congress" showed how much there was still to change.<sup>15</sup>

In the thirty-one years from 1732 to 1763, six churches were built by the Jesuit missionaries, two at Philadelphia, and one at each of the other central stations, Conewago, Goshenhoppen, Lancaster, and Reading.<sup>16</sup> At two of these missions there were the farms already mentioned, which gradually developed to 650 acres at Conewago, and 780 at Goshenhoppen.<sup>17</sup> The operations from each centre reached the limits of the missionary territory adjoining. And adjoining to the

Six churches  
in Pennsyl-  
vania,  
1732-1763.

Delaware. Philadelphia district was that of Bohemia, in Maryland,

as well as Mill Creek, in Delaware.<sup>18</sup> At all these places, before 1773, property had been acquired by the Fathers; and when, at that date, the Order was suppressed, the ex-Jesuits, still working together as a body, continued the development of the property at these and other stations.<sup>19</sup> Though no longer bound

The Corpora-  
tion of ex-  
Jesuits.

by vows to the Order which did not then exist, they continued the old traditions of bequeathing their private property to the brethren now united in an ex-Jesuit "Corporation."<sup>20</sup> Thus Fathers Augustine Jenkins, Charles Sewall, John Ashton, Notley Young, all designated one or other member of the Board as their heir, to be trustee in the common interest.<sup>21</sup> The history of the ex-Jesuit Corporation we have given in an Excursus of our *Documents*.<sup>22</sup>

With regard to New Jersey, the baptismal registers of the Fathers in Philadelphia show that their missionary excursions (1758-1775) extended over that colony as far as the line of New York.<sup>23</sup> Father Ferdinand Steynmeyer, or Farmer, was the successor at Philadelphia of Father Robert Harding.

<sup>15</sup> *Researches*, x. 56, 57.

<sup>16</sup> *Ibid.*, v. 46, T. C. Middleton on the churches in Pa., 18th century.

<sup>17</sup> *Documents*, I. Nos. 106, 114 C.-

<sup>18</sup> *Ibid.*, No. 96.

<sup>19</sup> *Ibid.*, Nos. 96, 102-104, 114, C, D.

<sup>20</sup> *Ibid.*, Nos. 164-169.

<sup>21</sup> *Ibid.*, Nos. 114, note 19; 102, C; 162, Q, S.

<sup>22</sup> *Ibid.*, "Excursus, Narrative and Critical, on Jesuit Property and Its Uses, 1638-1838": Part II., sections iv. and v., pp. 601-924.

<sup>23</sup> *Records*, i. 246, *seq.*; continued (1776-1781), ii. 225 *seq.*; edited by T. C. Middleton.—*Cf. Researches*, x. 8, 4.

The work of education in Pennsylvania did not pass the grade of elementary Catholic schooling. The Jesuits were not strong enough at the period to found any college. The Fathers who worked there were competent, indeed, for the highest Schools. university instruction. But the teaching of children was necessary; and collegiate education not yet possible.<sup>24</sup>

§ 215. Having shown the expansion of missionary activity northwards, with Philadelphia as the chief centre, we proceed with the same subject southwards, and close the colonial period. We left Maryland when Governor Hart left it in 1720, and when members of the Calvert family were appointed from London to the administration. Before any one arrived, the interim governor, president Thomas Brooke, brother of the Jesuit, took pains to reassure all parties that the Protestant religion would really be safe under Lord Baltimore as proprietary; and my lord himself pledged his word to the same effect.<sup>1</sup>

But the prejudice against the Calvert administration did not die out. A few years passed on; and people did still persist, "several weak men," said the Rev. Mr. Rainsford, "in turning Papists"; not least upon the occasion of the Rev. Mr. Barret's performances, when, if we may venture to repeat the same complainant's uncomplimentary terms, the Protestant inhabitants "after an impious manner curs'd and damned the worthy Bishop [*of London*] for designing such a person for 'em." Rainsford proceeded: "We have Popish priests daily flocking in amongst us, and the whole province smells of Popish superstitions, &c. I wish these caterpillars were destroyed. They poison apace our young plants that are growing up."<sup>2</sup> Even politically the Papists showed themselves to be alive; and the same reverend gentleman aspersed Lord Baltimore for it, saying: "The Papists show their teeth and would bite, if they durst. They are truly intolerably impudent, even beyond description. I fear they have encouragement, and are upheld here and elsewhere."<sup>3</sup>

In the very next year, the Jesuits drove this good man to extremities. He fled for help to the Bishop of London, apologizing

<sup>24</sup> Cf. J. A. Burns, *Catholic School System in U.S.*, ch. iv., "Catholic Colonial Schools in Pennsylvania."

<sup>1</sup> Cf. Perry, *Md.*, pp. 121-125, May-July, 1720.

<sup>2</sup> Perry, *Md.*, pp. 238, 284; April 10, 1724.

<sup>3</sup> Fulham Pal. Arch., G. Rainsford, Patuxen River, August 10, 1724, to "Rev<sup>d</sup> Sir" (secretary S.P.G.).—Cf. Perry, *Md.*, August 16 [1], 1724, where "ignorant" has been put for "impudent."

amply for "this height of presumption in writing to you." He said: "I shall lay before your Lordship the main reason that induced me to give you this trouble. We have in this province a vast number of Jesuits, who, by their sophistry and cunning, make proselytes daily throughout the whole government. They are advanced to such heights of assurance as to send public challenges, and to disperse their Popish books thro' all quarters of the country. The enclosed paper to me is an instance, where I am obliged either to answer or give up the cause. I no way doubt (when my reply is ready) but I shall be able to check the force and damm up the current of such proceedings. I need not tell your Lordship that those of this Order are men of subtilty and politics. They are generally very careful to approve themselves to the world. They suffer nothing unattempted which may raise their credit in the judgment of the people. This is obvious from their deluding the credulous. They take vast pains to ward off any disadvantageous measures that may shed disparagement on their Society." So far this character-sketch of the Jesuits showed rhetorical gifts of no mean order in Rainsford. The virtue of the Jesuits, their ability and efficiency, in such marked contrast with the vice, imbecility and incompetence which desolated his colleagues, were made to appear as subtlety, politics, self-approbation, officiousness, and astuteness.

After this prelude for the setting of the case, Rainsford could now, with some astuteness and subtlety of his own, venture to approach his facts, and the policy which he commended. He continued: "In short, they are so numerous, that their name is Legion.<sup>4</sup> They possess the people, and nothing but a regal power can cast them out. Upon what bottom they subsist amongst us; how their privileges are maintained and their encroachments supported, I can but guess at. All I shall observe is this, that in time it may prove fatal thus to give them liberty to propagate their kind; for every proselyte they make a subject's lost, and, as they increase, the interest of our Church and king must proportionately sink. Your Lordship, in your wisdom, knows best how to put a stop to the growing evil. The grievance is not redressed here, and their friends and money are too powerful a spirit (when raised) for the feeble attacks of a contemptible adversary to lay again. Now I think it is every man's

<sup>4</sup> This "Legion" consisted, for that year, 1725, of twelve Jesuit priests, assisted by four lay brothers.

business to discourage superstition, to stop the progress of idolatry, and help those to right that suffer wrong." After some more grand commonplaces of this conventional sort, the injured man uncovered the present wound which rankled. He said: "Since I began this letter, I received the enclosed from Philip Lee, Esq<sup>r</sup>, one of the council of this province. I am continually pressed to disputations by these Papists, and, tho' I shamefully foiled Peter Atwood, one of the Jesuits and their best disputant, yet the rest of them are plying daily for another attack." Then, after explaining why he in particular was reduced to this state of desperation, because he was the best read among the clergy, and was besides writing a book, he closed mournfully: "I have no more to add." Indeed, he had added nothing. The policy of persecution which he advocated as a mantle of self-defence against Popery was an ancient fashion, and had been in vogue from the time of Elizabeth to that of the reigning George.<sup>5</sup> The cloak had served once to comfort the shivering limbs of Anglicanism. Now it had worn rather thin.

Mr. Philip Lee was a councillor of the province. His letter of the same day, which gave so much concern to Rainsford, conveyed good counsel. He was anxious indeed that Rainsford <sup>A council of</sup> should accept the challenge to a disputation. But he <sup>war.</sup> showed how it might be evaded with honour, in the same way as on a former occasion—probably the occasion on which, as Rainsford

<sup>5</sup> Perry, *Md.*, pp. 251, 252, G. Rainsford, July 22, 1725, to the Bishop of London. —Commissary Henderson's account of this rev. gentleman was: "Giles Rainsford, Rector of St. Paul's, Prince George [Co.], a stickler for the present happy establishment." Of other rev. gentlemen, whose names do not merit any of our space, the same commissary gives the characterizations: "An idiot and a Tory"; "A great Tory and a rake"; (D. Mainadier, Talbot Co.), "A Whig of the first rank, and reputed a good liver, but a horrid preacher"; "A Tory, and belongs to the Society [S.P.G.]"; "A stranger to me, and his character so too"; "Tried for his life in Virginia for shooting a man. Reformed."

But, if the kine could scarcely be leaner, their pastures could hardly be fatter. Some of the twenty-six Protestant rectorships being vacant, Henderson proceeded to the valuation of one: "26,000 [*lb.*] in tobacco yearly, which amounts to, at 10 shillings per hundred, or 5 pound a thousand, 130 pounds sterling"; and of another vacant parish: "28,000 in tobacco yearly," which would give £140 pounds sterling (*Ibid.*, pp. 128-130; (1722), 1723). In discounting the value of Mainadier, or else of his curate, the opinion of Callister, a merchant, went beyond that of the commissary. But, in rating the value of tobacco which the berth enjoyed, it agreed more or less: "about 50 thousand pound tobacco, per an.," said Callister, "which is worth in the country, one year with another, £500 paper money, or £350 sterling." He added that, by shipping the tobacco to England, "it may produce as much more" (*Md. Hist. Magazine*, vi. 220, 221; November, 1745).

It should not be thought, however, that the want of discrimination in taking rakes, profligates, and murderers for the Anglican ministry was blindly absolute. People could discriminate a little in other matters. Rainsford observed of the Rev. Mr. Cox, a new-comer, that "they have it not in their power to object against his morals, yet they do against his country, as being Irish" (*Ibid.*, p. 234). This fanatical nationalism of the time would merit a diagnosis. Cf. *supra*, p. 465, note 6.

diplomatically put it for the Bishop of London, he had "shamefully foil'd Peter Atwood." It appears that an impossible place had been designated for the meeting; and Lee recommended the same tactics now. He also counselled dilatoriness, to let the storm blow over. He wrote: "I should be much pleased to know about what time you may be prepared for the disputation. 'Tis true it would be prudent to give a considerable time before the meeting, least their vanity and confidence should stirr them up to a tryall. But I veryly beleive, as they refus'd in the case of Mrs. Sewall (before touch'd by mee to you), so they will now. And, as such refusall would answer my purpose as well, and save you a great deal of trouble, I am therefore desirous the time and place may be assign'd—which I think will doe the work. I request your answer, and I am, Your friend etc., Philip Lee. 22<sup>d</sup> July, 1725." <sup>6</sup>

Inserting this letter of the councillor, Rainsford also sent to the Bishop of London "the enclosed paper," or challenge; which might well make him peevish and sleepless, if, as he said, he had "either to answer, or give up the cause." It was a double folio, containing four pages of close writing, and is endorsed in the muniment room of the episcopal palace: "Mr. Rainsford—Maryland—Challenges of Papists." We give the first few paragraphs to show the calibre of all:—

"Some Queries concerning the 39 Articles.

"Quaer. 1<sup>st</sup> Whither these Articles are articles of faith? If  
 The assault. not, why are they proposed by the Church of England, and by her imposed on her children, and sworn to by her clergy? If they be articles of faith, then,

"Quaer. 2<sup>dy</sup> Whither they contain the old pure Christian faith, or anew invented ones? If the latter, the compilers are desired to produce their credentials for so doing. If the former, then

"Quaer. 3<sup>dy</sup> Whither any one Article alone, or altogether, contain the old pure Christian doctrine or faith? If the first, then show w<sup>ch</sup> one, and blott out all the rest, or let them produce their commission from Heaven for adding the rest. If the 2<sup>d</sup>, then

"Quaer. 4. Whither, if all the Articles be Christ[']s pure doctrine, they must not all and each be true, and free from fallacy and contradiction? Deny this, and adieu to the veracity and divinity of Christ. Grant this, and then

"Quaer. 5. Whither it be not necessary to salvation to know w<sup>ch</sup> day of the 7 (Saturday or Sunday) is to be kept holy; 2<sup>d</sup> what books are canonical Scripture, what apocryphal;" etc.

<sup>6</sup> Fulham Pal. Arch.; a half fol. p., delivered by hand.

So the next Query asks with equal snappishness: Whether any text of Scripture can prove itself, or any of the above Queries: if so, which? There are fourteen Queries in all. Then a page propounds the Catholic doctrine of infallibility; and a fourth page begins tartly: "Answer the following questions on texts of Scripture."<sup>1</sup>

§ 216. The Rev. Mr. Arthur Holt observed, in 1734, that his parish in St. Mary's County abounded with Papists. There were several priests of the Jesuit Order, "and several places where they convene their people at their pleasure." He petitioned the London Propagation Society for "some of those small pieces dissuasive from and defensive against Popery"; for, said he, "Romish pamphlets are diligently dispersed up and down," and the Romish priests have made "a plentiful harvest." He explained that many families were but half Protestant, the husband and wife being of different religions. In such cases, he affirmed that "the women who are Papists, and intermarry with Protestant husbands, make it a part of their contract that all their daughters shall be brought up in the Romish faith." A contract like that could not have been made in the face of the Catholic Church, as if the souls of boys were worth less than those of girls. In fact, we have a long deposition of Thomas Reader, made October 25, 1753, regarding Jesuit doings in St. Mary's County. Among other things, his overseer, a Papist, told him that Richard Ellis, priest, when officiating at a mixed marriage, required an oath of Thomas Radford, a Protestant, "to abide, and practice the Roman Catholic faith himself, and also to bring his children, if he had any, up in the same religion and faith."<sup>1</sup> The Rev. Mr. Holt concluded: "The number of Papists are supposed now to exceed the Protestants at least three to one in this county." But another remark of his merits attention. He says: "I catechize every Lord's day, except on communion days, and read Dr. Newton's exposition of the catechism."<sup>2</sup> Here it appears that not only preaching had become dreary prosing from a manuscript or printed Homilies, but the commonest explanation of Christian doctrine had lapsed into the mechanism of reading a book. This evil of reading dreary prose affected the whole English-speaking world, not only Protestant but Catholic; until Methodism and a new order of things brought people back to first principles in

<sup>1</sup> Fulham Pal. Arch.

<sup>1</sup> (Md.), *Votes and Proceedings*, Assembly, October 2 to November 17, 1753, p. 36.

<sup>2</sup> Perry, *Md.*, pp. 816-818, A. Holt, All Faith, St. Mary's Co., Md., May 21, 1784. to S. Smith of the S.P.G.



the use of speech. It was the gagging of preachers by Elizabethan Homilies, and the loss of all vital hold on religion by preachers themselves, which had introduced the vicious system.<sup>3</sup>

In Ann Arundel County, the Rev. John Lang noted that "there are some also of the people of better sort of fashion Papists, and they have also Mass at home."<sup>4</sup> Lang was a sickly man, confined to his poor study. The Rev. Hugh Jones in Cecil County was a fighter. He had the Jesuits of Bohemia in his parish; and, like the rest, he called for books to answer the Papists, Presbyterians and Anabaptists.<sup>5</sup> He published a

Protesting in  
print against  
Popery.

<sup>3</sup> The dead-and-alive manner of this oratorical system was aggravated by its matter. It came to be that of a "civilian" morality for a people supposed to be no longer capable of standing the Word of God. The divine, Daniel Rogers, had characterized this class of minds and men as "the mere naturalist or civilian, by whom I mean such an one as lives upon drags, the very reliques and ruins of the image of God decayed"; such as, discarding Christian morality, follows, said Archbishop Trench, a *justitia civilis* of his own. Cicero and Seneca arrived at this; and Aristotle's ethics supplied a complete framework for this civil morality. It was no wonder that the Christian assets should be those which Archbishop Secker described to Dr. Samuel Johnson, President of King's [Columbia] College, New York: "I am glad that the clergy in your parts are orthodox. Mr. Macclenachen gives them a very different character. I hope they will cut off occasion from them, who desire occasion against them, by preaching faithfully and frequently the distinguishing doctrines of the Gospel; which we in this nation have neglected too much, and dwell disproportionately on morality and natural religion; whence the Methodists have taken occasion to derry and gain followers" (Brodhead, vii. 449; Lambeth, November 4, 1760). The pulpit productions were not very different from what to-day are called conferences, leaving the Christian jejune, and giving husks for food to the curious. It is notable, among other things, with what dexterity Holy Scripture, and much more, if possible, the Fathers of the Church, are totally ignored in such pulpit philosophism.

The manner, at least, of this pulpit degradation had affected Catholics. Father Robert Molyneux, in 1785, wrote to John Carroll, prefect apostolic: "I am now near thirteen years at Philadelphia, and I find it harder to preach than formerly. I wish I had the talent of doing it *ex tempore*. To preach with a paper does not suit this place so well; and now, from want of time and habit, I should find it difficult to speak without" (Georgetown Coll. Transcr., 1785, March 28). In these words Molyneux did not imply that extempore preaching meant scamping work; it required time for much writing, and for committing to memory, at least the salient parts. Thus, for want of address, many an orator in those days found no time for anything better than reading his written production; just as, for want of writing, so many long-winded orators in all periods have no time to be short. Father McElroy, a lay brother who was thought fit to be ordained, and Father Ryder who had enjoyed the best formation, were credited in the nineteenth century with having been the first to speak without scrip. (E. I. Devitt, *Discourse on Trinity Church*, Washington, 1904.) Lord Brougham said of preachers to a Protestant: "You have a prime case, a friendly jury, and no reply. Yet, what a work you do make of it!"

The class of Catholic people in Philadelphia was different from that beyond the border in Maryland, and made the question of real preaching urgent. A very respectful letter of January 17, 1775, came to Father Lewis at Bohemia, reminding him of his promise to provide Fathers Farmer and Molyneux with an assistant. The signers or committee were "James Byrne, Bryan O'Hara, Michael Clarke, Jos. Cassin" (Md.-N. Y. Prov. Arch., 1775). The ardent Celtic nature, so prompt in speaking, would never tolerate sleepy reading.

<sup>4</sup> Fulham Pal. Arch., J. Lang, May 29, 1785, to Bishop of London; St. James's parish.

<sup>5</sup> Perry, Md., p. 322, H. Jones, July 30, 1739, to the secretary S.P.G.; St. Stephen's parish.

"Protest against Popery" at the same epoch when Governor Bladen of Maryland issued a proclamation against Jesuits, Popish priests and their seditious practices in alienating the affections of his Majesty's Protestant subjects from his Majesty's royal person and government.<sup>6</sup> The Jesuits met Jones with a reply; and Jones made a demand for a copy, "that I may rejoin," said he, "to any sophistical fallacies or sarcastical falsehoods (those usual tropes of St. Omer), that I hear this smart performance (as your friends call it) abounds with."<sup>7</sup> The book-writing of Jones and the proclamation of the Maryland governor were well supported on the other side of the Potomac; where Governor William Gooch of Virginia issued a proclamation, enjoining on all his Majesty's officials and liege people to apprehend and bring to justice several Roman Catholic priests, who "are lately come from Maryland to Fairfax County in this colony, and are endeavouring by crafty insinuations to seduce his Majesty's good subjects from their fidelity and loyalty to his Majesty, King George, and his royal house."<sup>8</sup>

§ 217. In the lists which the Jesuit records contain of the literature circulating among the Catholic body, there is little, if anything about politics, but much about controversy and the cultivation of the spiritual life. We may say the same of the books called for by the Protestant ministers; except that, as scepticism, deism and infidelity were festering rapidly in and around the Anglican Establishment, the demands became urgent for a new order of supplies, to make head against the intestine foe. Dr. Conyers Middleton had made his attack on the miraculous in Christianity;<sup>1</sup> and, with the help of the irreverent sceptics and scoffers, the reverend and learned school set out on the way which has terminated in the denial of Holy Scripture altogether.<sup>2</sup> The element of piety and devotion which had so far

The tone of religious reading.

<sup>6</sup> Shea, i. 406; July 8, 1746.

<sup>7</sup> *Ibid.*, 407; Bohemia, September 15, 1746.

<sup>8</sup> *Ibid.*, 408, 409; April 24, 19th year of the reign.

<sup>1</sup> Cf. *supra*, p. 484, note 9.

<sup>2</sup> An argument of Dr. Middleton, in a *Letter from Rome*, laboured to establish an exact conformity between Popery with its splendour of sacred imagery and paganism with its imaginative materialism. Dr. Challoner retorted (1787) in *The Catholic Christian*, establishing an exact conformity between paganism and the Established Church, by pointing to the lions and unicorns, which lent their pagan splendour to the baldness of Anglican temples. Challoner had to hide himself for some months. (Brady, iii. 165.) Perhaps he was served aright; for, after all, any splendour in Protestantism shows a laudable survival or revival of human sensibilities; and, if nothing better than a unicorn can be found to manifest a sentiment, be it a unicorn. Just now we read the following recantation made in good anti-Popery style at the Council of the Evangelical Churches, Bradford, England, March 9, 1916:

survived, and had petitioned for books to feed the Christian life, was absorbed in other sentiments, when the dogma of Christian truth came to evaporate.

The Rev. A. Spencer wrote to the Bishop of London in 1750: "It is with pleasure I tell your Lordship that all the gentlemen and men of sense condemn, not only Dr. Middleton's *Arguments on Miracles*, but also his ungentile manner of disputing."<sup>3</sup> The Rev. Mr. Bacon explained that the power of the new Protestantism, on taking its departure out of the Protestant Church, lay in the arms of ridicule or in the magic of obscurity, supported, however, by the irregular morals of the clergy who were left behind to profess the old Protestantism.<sup>4</sup> Mr. Bacon did not add, that the power of the old Protestantism against Popery had lain similarly in arms and obscurity. As the Revolution approached, the Rev. Jonathan Boucher preached on a levity which was prevailing in the age, "unwilling or unable either to think or to read deeply," and substituting for both the amusement of "light reading." At a later date, he wrote a scholion on what he had meant: that everybody capable of reading did "read chiefly such publications as were filled with sneers at orthodoxy, cavils against the national Church, and (above all) with incessant lavish encomiums on an uncontrolled freedom of enquiry," with the result of multiplying "sects and parties."<sup>5</sup> According to this view, the disruption of Protestantism was predetermined by the principle of "enquiry" and private judgment which had given it birth.<sup>6</sup>

"Because Catholicism gathered to itself many false accretions, Protestants had far too hastily assumed that the whole Catholic ideal of the Church was wrong, and had abandoned many healthful practices, and dispensed with many devotional inspirations" (London *Times*, March 10, 1916, "The Catholic Ideal"; Dr. W. E. Orchard, on the spiritual ideal of a Free Church).

<sup>3</sup> Fulham Pal. Arch.; Annapolis, September 25, 1750. Spencer's address will be "at Benedict Calvert's Esq., in Annapolis."

<sup>4</sup> Perry, *Md.*, p. 325, T. Bacon, August 4, 1750, to the secretary S.P.G.; on Tindal's *Christianity*, *The Independent Whig*, and Lord Shaftesbury.

<sup>5</sup> J. Boucher, *Discourses*, p. 58, "On Schisms and Sects"; note.

<sup>6</sup> It is true that an ingenious explanation was proffered for the rise of 600 or 1000 sects in Protestantism. In 1781, a writer propounded that all these sects and parties were nothing but Popery exploded into numberless parts: "When that nocturnal meteor, Popery, burst in the British hemisphere, by the influential rays of that more luminous body, the Reformation, it was dissipated into numberless parts; . . . this shock, in the civil and ecclesiastical world, split itself into a great variety of sects, and produced an anarchy of sentiment" (*Researches*, xxv. 265; from Brit. Mus. MSS., Egerton, 2671). This picturesque metaphor explained luminously one part of the phenomenon, how each of the sects carried away a piece of Popery on which it managed to live; but not the other part, how Popery remained entire after the depredation. However, Ennius had given the clue to this particular side of the problem; light diffusive, he said, can lend without losing, and meanwhile remain identical:

But, as a compendium of the process, nothing is more instructive than the fate of religious literature. Retaining the name of religious it has slipped down to the level of what is called "Institutionalism." We record the principal stages of the devolution in a note; taking occasion, however, to begin with the character of Catholic reading in the eighteenth century." <sup>The fate of religious literature.</sup>

*Homo, qui erranti comiter monstrat viam,  
Quasi lumen de suo lumine accendat, facit;  
Nilominus ipsi luceat, quum illi accenderit.*

(Cicero, *De Off.*, i., xvi.) Stray rays are still rays, though astray. ἀδρα δᾶρα καὶ οὐκ ὀρθομα. χάρις ἔχαρις. Goods that do you no good.

1. Catholic literature, ordered by the laity, or circulated by the Fathers:— Besides the New and Old Testaments which appear commonly, the Newtown notes, for about 1740–1744, show the favourite books to be those of devotion and spirituality: Cheminai's *Sermons*; *Spiritual Retreat*; *True Britton*; *Life of St. Ignatius*; *Great Duties of Life*; *Saints' Lives*; *Hell Open'd*; Mumford's *Question of Questions*; *Charity and Faith*; Manning's *Sermons*; "6 *Practical Reflections*; 6 *Think Well on its*"; 8 books Segneri—"To Porto." Different volumes of Rodriguez on *Christian Perfection* were clearly in demand. Other works of the same kind appear. A smaller proportion are controversial, such as Higgins on *Burnet*; *Manual of Controversies*; England's *Conversion and Reformation*; *Shortest Way to End Disputes*; *Roman Catholic Plea*. Others again are catechetical and doctrinal: *Catholic Christian Instructed*; *Profession of Faith*; Turbervill's *Catechism*; Gother's *Instructions*. There are besides books of general literature like Chambers' *Universal Dictionary*, the *Dunciad*, *Tattler*, Swift's *Miscellanies*, *History of Japan*, *Herbalist*, etc.

At his lonely mission of St. Joseph's, Tuckahoe, in Talbot Co., E.S., Father Joseph Mosley was lending out many books immediately after he had settled there (1765–1767). The names of his clients were such as Thomas Browning, Tuite, Hooper, Shenton, Fitzsimon, Rachel Davis, Patrick Maguire, Benjamin Sexton, John Gardener, Benjamin Young, Thomas Miller, John Sullivan at Chester, etc. Among these, Mr. Tuite would seem to have been a classical scholar; for he takes out a *Horace*, an *Erasmus*, besides *Compte Rendus*. Several were using Bossuet's works, whether in French or in English. Divers controversial works already mentioned above were in use, along with the *Catechism of the Council of Trent*. But the majority of the works were spiritual: *The Way to Happiness*; *Six Sundays of St. Aloysius*; (Parsons') *Christian Directory*; *Pious Sentiments*; *A Method of Conversing with God*; *Sermons*, *Instructions*, etc.

Catholic laymen showed a very correct taste in their purchases, from James Carroll, 1716, to Ralph Neale in 1771. The former drew up "A List of my Books, taken Aug<sup>t</sup> 20<sup>th</sup>, 1716." Out of five departments, on Divinity, Law, Physics, Mathematics and History, the first has the largest share of the three dozen works and more that are entered. There are sixteen entries under Divinity, whether spiritual, doctrinal or controversial. Ralph Neale, in 1772, obtained through Father G. Hunter "*Meditation Books*, two volumes, 5s. sterling." Not only the gentlemen, but the ladies also took large views. At the time when James Carroll was drawing up his library inventory, Father Peter Attwood addressed a note to him, "Aug<sup>t</sup>, 1716. Mr. James Carroll is desired to buy for the widow Jones *The Rhemish Testament*, Ward's *History of the Reformation*, Parsons' *Three Conversions of England*, *The Catholick Scripturist*, *The Touch Stone of the Reformed Gospel*, *Whole Manual, Mass in Latin and English*." Then, after giving the prices of each—£1 8s. 0d. in all—he added further orders: "2 1/2 *Manuals*, *Introduction to a Devout Life*," etc. (Md.-N.Y. Prov. Arch., old ledgers, etc.—See *History*, I. 26.)

The accounts of the London procurator's office contain items regarding the purchase of such books for Pennsylvania and Maryland, and show other works in demand: Catechisms, Prayer-books, Challoner's *Meditations*, "24 copies *Devotion to the Sacred Heart*," Boyer's *Dictionary*, "6 *Muratori's*," "5 copies M. M. [Married Men's?] Society." (Engl. Prov. Arch., ledger B, Pa. and Md. accounts, 1760–1772.)

2. The Protestant literature asked for by the Rev. Hugh Jones was "a sett of such books of practical and polemic divinity and church history, as you shall judge

It is a relief to pass from this, and enjoy a domestic touch of Catholic piety. We find under the date of August 1, 1768, the institution, apparently at St. Thomas's Manor, of "Perpetual Adorations of the Blessed Sacrament." Under this title an engagement begins: "The subscribers oblige themselves to employ, every month thro' the year, the half-hour to which their names are annex'd, on their knees, in honour of the Blessed Sacrament, by meditating or saying of vocal prayers, either relating to the Blessed Sacrament or to the Sacred Heart. When hinderd by sickness, they must apply to some other to supply their place." Then follows the list of watchers in this guard of honour, for the 1st and 15th days of the month, the 2nd and 16th, and so on to the end of the month. The adoration is twelve hours long,

A specimen of  
Catholic  
devotion.

most suitable for the purpose; but especially the best answers to Barclay's *Apology*, the *Independent Whig*, and all the other favorite books of the Quakers, Deists, Presbyterians, Anabaptists and Papists, with books of piety and devotion, and vindications of the doctrines and discipline of our Established Church against all sorts of adversaries." (Perry, *Ms.*, 822; H. Jones to the secretary S.P.G.) The Rev. Mr. Bacon returned his acknowledgments to the London Propagation Society for 200 copies of Mr. West's *Lyttleton's Discourses in Defence of Christianity*. (*Ibid.*, 824.)

From the level of these books, desired for Protestant enlightenment in 1741 and 1750, as well as from the level contemplated in 1700 by Dr. Thomas Bray for the parochial libraries of that century, we may easily measure the distance travelled to our day, if we consult the editor of *Johns Hopkins University Studies* for the year 1900, in an article on "The Church and Popular Education." Herbert B. Adams admires the "Institutional or Educational Church" of our time—a true daughter, as he opines, of the mediæval Institutional Church, which had founded such institutions as the Universities of Oxford, Cambridge, Paris. Now, between those old ecclesiastical institutions, theological, philosophical, and scientific, and the modern institutions of classes, clubs, libraries, which he proceeds to extol in the new and fresh "Institutional Church" of the United States, the connecting link, says he, "is undoubtedly the Sunday School"; which, for a long time, had to struggle for emancipation—apparently from religion and a Church: "For a long time in America it was thought necessary to have only religious or Biblical instruction on Sundays. Efforts were made to restrict Sunday School libraries strictly to pious books." But the shackles have worn off; and he illustrates how. In the late Phillips Brooks' Trinity Church, Boston, the *Year Book* for 1898 reports "that the Committee on the Sunday School Library, after reading and discussing 70 books, accepted and added to a collection then numbering 1900 the following 40, which are here mentioned simply as a sign of the times." As no description which we can give of this sign would afford a just idea of the modern "Institutional Church" enlightenment, in point of Christian, religious, or Biblical instruction, we reproduce the list of the "40" (48?) books, just as Adams with high approbation reports it:—

"Dickens' *Christmas Book*; *Plants and their Children*; *What Katy did*; *King of the Golden River*; *Captain January*; *The Lamplighter*; *Swiss Family Robinson*; *Fishin' Jimmy*; *Granny Bright's Blanket*; *Robinson Crusoe*; Hawthorne's *Wonder Book*; *The Adventures of a Brownie*; *Deephaven*; *Evangeline*; *Idylls of the King*; *A Little Country Girl*; *Back of the North Wind*; *Castle Daffodil*; *Sir Gibbie*; *John Halifax, Gentleman*; *Stories of the American Revolution*; *Master Skylark*; *Rosemond of the Seventh*; *Tom Brown*; *Cranford*; *Robbie and Ruthie*; *The Winds, the Woods and the Wanderer*; *Hildegard's Holiday*; *Meg Langholm*; *Cat's Arabian Knights*; *Heir of Redcliffe*; *Tale of Two Cities*; *Two Years before the Mast*; *Boots and Saddles*; *Captains Courageous*; *Bunker Hill*; *Talisman*; *In the Choir of Westminster Abbey*; *Torpea Nuts*; *Woodie*; *Parents' Assistant*; *Quentin Durward*; *Wardship of Steepcombe*; *A Norway Summer*; *A Man without a Country*; *The Boys of '76*; *Flipping the Spy*; *Bracebridge Hall*." (*Johns Hopkins Univ. Studies*, 18th series, viii.-ix. 18; 1900.)

from 6 a.m. till 6 p.m. The first few half-hours show the working of the institution: "On the 1st. and 15 day of every month. From 6 till the half-hour: [*Father*] Geo. Hunter. From 6 1/2 till 7: Anastase Benoit. From 7 till the half-hour: William Matthews. From 7 1/2 till 8: Martha Matthews," etc. Father Hunter comes to the rescue frequently in filling up vacant places; and the names of some watchers appear repeatedly. Father Benjamin Roels also takes his share. In this Catholic devotion the men are well represented; but the women carry off the honours. From the scattered and lonely plantations of Maryland the incense of praise, adoration and spiritual meditation rose silently from morning till night.<sup>8</sup>

§ 218. As to education in the colony, it had been an idea of Governor Nicholson, expressed with much gravity to the Lords of Trade in 1697, that by a system of free schools even Indians could be saved from the proselytism of Papists and Quakers; Indian and English boys could be bred up scholars, and fitted for his Majesty's royal college of William and Mary in Virginia; and a supply of ministers and schoolmasters could be had on the ground, instead of costing his Majesty £20 apiece "for their transportation; without which his Majesty's bounty, I suppose very few of them would be able to transport themselves."<sup>1</sup> Such Indians about Virginia as did ever find their way to William and Mary College, and there were twenty of them at one time, proved an utter failure; they fell away to roving again.<sup>2</sup> But the Maryland free school system never succeeded in educating even the whites about the colony. As late as 1753, in the course of the violent anti-Papist agitation at the time, Thomas Reader of St. Mary's county deposed, amid a series of anti-Jesuit revelations, that he, the deponent, had to board his children, for several years past, "abroad, there being none but Romish schoolmasters near him."<sup>3</sup> With such a Catholic monopoly of education, it may have been natural, though scarcely fair, to consider it a blotch upon a

Limitations of  
education in  
Maryland.

\* Md.-N.Y. Prov. Arch., 1768; a triple folio sheet, well worn. The family names represented are Adams, Angel, Askam, Benoit, Birch, Boardman, Boone, Bowling, Brent, Brooke, Burtles, Clark, Clements, Dickson, Digges, Doyne, Edelen, Gardiner, Hamilton, Jenkins, Lancaster, Lee, Lewis, Luckett, Maccader, Manning, Matthews, Middleton, Mitchel, Neale, Osborne, Pilkington, Posey, Pye, Queen, Sanders, Semmes, Shirckley, Simpson, Smith, Thompson, Ward, Watking, Yates.

<sup>1</sup> P. R. O., B. T., Md. 3, ff. 64<sup>v</sup>, 65, Nicholson, Annapolis, March 27, 1697, to Bd. Tr.—*Cf. supra*, pp. 441, 444, 462, 479.

<sup>2</sup> *Johns Hopkins Univ. Studies*, 19th series, x. 88, 89.—They were Pamunkey Indians, etc., in Spotswood's time.

<sup>3</sup> Md. Assembly printed report (4to), October 2 to November 17, 1753, p. 86; October 26, 1758.

man's character if he were learned, or had learned anything. It was in this sense that the whole council of Maryland had signed a representation to the Board of Trade (1712), against the reinstatement, by her Majesty's order, of Thomas Macnamara, an attorney. They proclaimed that he was an Irishman, "who had gained some tolerable shoole learning from the charity of a Popish priest his uncle, bound himself a servant to Mr. Charles Carroll," came to Maryland, turned renegade to Popery, became a lawyer, and did all sorts of things.<sup>4</sup> These people seem to have anticipated a modern principle, that to profit educationally by charity without taxation was not so proper as to prey upon taxation for education without charity. How far the honorable council had profited or preyed one way or other, we do not pause to define.

When Father Henry Neale had begun prospecting a landed foundation in Pennsylvania in 1741, we find that soon afterwards a school was opened on the Maryland side of the border at Bohemia, under the direction of Father Thomas Pulton.<sup>5</sup> It was classical and commercial, Mr. Wayt the schoolmaster receiving 40 shillings currency per annum from each of the boys who learnt Latin, 30 shillings per head from the rest.<sup>6</sup> The names of the boys, as they occur in the oldest extant memoranda, for 1745 and subsequent years, are those of James Heath, Whetherspoon, George Boyes, Benedict Neale, Edward Neale, John Carroll (the future Archbishop of Baltimore), Lopez, Brent. Fifteen years later, the Rev. Mr. Reading, minister at Apoquinimick, Delaware, spoke of this school, "under the direction of the Jesuits," as being at the time "a very considerable Popish seminary in the neighbouring province of Maryland," whence a Jesuit missionary had been used to come and say Mass at stated seasons in the adjoining district of Delaware.<sup>7</sup>

The education in Maryland fitted the boys for humane studies

<sup>4</sup> P. R. O., 27, ff. 116-119, information signed by the whole Council, Md., with a protest (*Ibid.*, f. 120) of the judges of the Provincial Court, same day, July 18, 1712, against Macnamara's reinstatement.

<sup>5</sup> *Records*, xxiii. 105, E. I. Devitt, "Bohemia."

<sup>6</sup> At this time, about 1745, the rate of exchange between currency and sterling money was 200-7, or thereabouts. Thus, in 1745, the sum of £25 18s. 10d. for John Carroll's schooling was reckoned: "In sterling, 12. 16. 11." Twenty-seven years later (1772), the ratio was 160 per cent. See *infra*, p. 522.

<sup>7</sup> Md.-N.Y. Prov. Arch., Bohemia Account book, 1745, etc.—*Of* Shea, i. 404, 405.—Burns, pp. 110-113.—Perry, Pa., p. 813, Reading's report, Phila., May 2, 1760 (*cf. supra*, p. 475).—Shea has mistaken the terms for boarding, which were £20 for one boy; £35 for two brothers. The terms, 40 sh. and 30 sh. respectively, were on the schoolmaster's account. Thus: "1745. 1746. Mr. Wayt, the Schoolmaster . . . Cr. By schooling for the 2 Neales and John Carrol, in all for 32 months, at 40 sh. per year: each—£5. 7," etc.

at St. Omer's College in Flanders. Robert Brent, John Carroll, Charles Carroll of Carrollton, Stanislaus Hoxton, and Wharton, took shipping on the Potomac to go and prosecute their studies at St. Omer's.<sup>8</sup> Exceptionally, one might have to complete his elementary studies in Europe. Bohemia, preparatory to St. Omer's. Thus at the date (1760), when Reading spoke of the "considerable Popish seminary," Father George Hunter, the Maryland superior, sent over to Europe a convoy of eight students; of whom he wrote to Father Tichborne: "You have seven youths by this occasion, and a young man, by name Ch. Brooke. I have wrote to Mr. Scarisbrick<sup>9</sup> and Mr. Poyntz<sup>10</sup> concerning the young man. There's one of the youths, by name Henry Gardiner, who, not knowing how to write, is to go to Mr. Chamberlains at Watten for a twelve-month, in order to be fitted for Blandike."<sup>11</sup>

This convoy of October 1, 1760, was one of a series organized by the very able administrator, Father George Hunter. He accompanied it with seventeen letters, drafted under that date, and addressed chiefly to Jesuit procurators in London and on the continent, and to the abbesses or prioresses of various convents, whither four young ladies were taking their way. These latter were all candidates for the religious life as nuns; and the subject of their dowries occupied much space in the letters. The financial administration of the funds necessary for all purposes gave Hunter much concern, lest any mistake in the accounts of remittances made by the parents should compromise him and the whole Maryland mission. He wrote to the Provincial Corbie: "The apprehensions of grievous difficultys hereafter gives me great concern; particularly as so many are concern'd in the sums remitted. With what I now send by this shipping, I shall have remitted in the space of 13 months, betwixt Messrs. Tichborne and Poyntz, upwards of two thousand pounds sterling, and have had no accurate account of any but a very small matter from Mr. Poyntz." He wrote

A Maryland-St. Omer's  
convoy, 1760.

<sup>8</sup> Md.-N.Y. Prov. Arch., notes of R. Y. Brent, August 4, 1842, for G. Fenwick, S.J.—On October 10, 1753, Charles Carroll wrote from Maryland to his son, Charles of Carrollton: "Jacky [John Carroll], I suppose, is gone up the hill" (Rowland, i. 21). John had just entered the Society at Watten (September 7, 1753).—We may add from the Watten Diary some entries about James and Anthony Carroll, whose names come up in Maryland history afterwards (*infra*, pp. 530, *seq.*): "1743. [Sept.] 8. 6 Vov[entes], viz. . . . Ja. Carroll." That is, he took his first vows, at the end of the two years' novitiate. "[1744]. Sept. 7. Fr. Richardson, Prefect of Studies [St. Omer's] and Magr. Burk, with 7 Scholl[ars] . . . [Anthony] Carroll. . . ." That is, he entered the novitiate. (Stonyhurst MSS. A, iv. 1, f. 7.)

<sup>9</sup> Rector of St. Omer's.—Tichborne, we take it, was procurator at St. Omer's.

<sup>10</sup> Procurator of the Province, London.

<sup>11</sup> "Blandike" meant St. Omer's College. At Watten there was a preparatory school. The Boulogne school was transferred thither. Cf. *supra*, p. 499, note 11.



to Father Tichborne himself that the packet sent from England in January had been lost with the ship, which was taken by a privateer. The reason for his concern he explained to Father Poyntz: "Our people here are poor; and, as they must digg all out of the earth, they count every farthing; therefore, if not very accurate in accounts, be assured from me it will greatly hurt our Factory here; and that to that degree as to prevent the chief of the fruits<sup>12</sup> we might otherways expect from the [effects] of our labours."

For the rest, the charming devotion of every one on the occasion is more than refreshing. The good parents, says Hunter, "are generally great sufferers," until the news shall come that the precious freight has arrived safe. Hunter himself betrays a like sensibility. The passage money was ten guineas for each of the young people. Allowances for pocket money and many incidental expenses, on such a great occasion as the first landing in Europe, seem from the London procurator's accounts not to have been any way stinted. There was the outlay of some £100 and more for five years of classical education at St. Omer's; and the provision of a dowry for the young women, according to the requirements of the monastery in question.

For five sons, three at St. Omer's (already transferred to Bruges) and two at the Jesuit novitiate, Mr. N. L. Sewall's accounts show the disbursement of £223 sterling, apparently for one year.<sup>13</sup> There is an air of cheerfulness about the manner in which the father despatches these accounts: "For all the other pocket money, linnen, cloaths, taylors expences, hatts, shoes, stockings, etc., and travelling expences, included for all my sons, as per Mr. [Father Thomas] More's acct: £46 15. 11." Mrs. Ann Neale orders one guinea apiece pocket money for each of her children, as the Jesuit procurator notes: "To your order to your children, Charles, Leonard, Franck and Ann, one guinea each: £4 4. 0. sterling, at 160, is £6 14. 4." <sup>14</sup> The Leonard mentioned here was the future Jesuit missionary to Demarara and second Archbishop of Baltimore.

<sup>12</sup> The spiritual fruit.

<sup>13</sup> October 3, 1771.—The two young Jesuits were Charles and Nicholas, already seven and five years respectively in the Order. "By my son Charles, his noviceship, £30 0. 0. By my son Nich<sup>s</sup>, his noviceship, £36 0. 0. By pocket money, and of the contra bills for my sons Ch<sup>s</sup>. and N. Sewall, £20 0. 0." This very unusual arrangement, by which an allowance from parents was admitted for the support of Jesuits,—unusual, even if they had been still in their first two years of novitiate,—must be explained by the reduced circumstances of the English Province, which, at different times in the century, obtained from the General some dispensations to this effect. See *supra*, p. 68, note 7.

<sup>14</sup> September 19, 1772.

Charles became three times superior of the revived Jesuit mission in Maryland. Francis also was to be a chief personage after the restoration of the Society, being agent of the Corporation during a quarter of a century. Ann became a Poor Clare in the monastery of Aire.<sup>15</sup> Our limits begrudge us the space to impart more of the fragrance, which the domestic life of Catholics diffused in the latter part of the eighteenth century. But we may do them the justice of recording Father Mosley's opinion of them, at a time and in a place, which made him speak of the population around as "a meer medley of all sorts." He said: "I think the families of the English stock are the glory of our flocks, edefying, virtuous, good Christians, and well instructed in faith."<sup>16</sup>

<sup>15</sup> Documents, I. (ii.), p. 721, note 4.

<sup>16</sup> Georgetown Coll. MSS., *Mosley Papers*, J. Mosley (St. Joseph's, Talbot Co.), October 3, 1774, to Mrs. Dunn, Newcastle.—Cf. *Amer. Eccl. Review*, xxix. 24-39. Hughes, "Educational Convoys to Europe in the Olden Time."—Md. N.Y. Prov. Arch., portf. 2, G. Hunter's *Letter-Book*, 1760, October 1.—*Ibid.*, N. (Lewis) Sewall's ledger.—Engl. Prov. Arch., ledger Wn, Maryland accounts, 1751-1762.—*Ibid.*, Day-Book P, 1760-1768; including accounts of C. Carroll of Carrollton.—Brussels, Arch. du Royaume, *Arch. Jésuitiques*, no. 80, carton 29.—T. M. Field, *Unpublished Letters of C. Carroll of Carrollton*, pp. 29-34.—Rowland, *Life of C. Carroll of Carrollton*, i. 20-63.—The correspondence in these two last-named books is obscure, because persons spoken of as "Mr." are frequently Jesuit Fathers—Galloway, Crookshanks, Corbie, Poyntz, Wappeler, Newton, Jenison, and others. Louis-le-Grand was the name of the great Jesuit College in Paris, where Charles Carroll, jun., pursued his higher studies after leaving St. Omer's. (Cf. Rowland, i. 63.)

The Jesuit procurator's office in London was a kind of friendly banking house, without discounts, for the Maryland families and their tobacco bills—not unfrequently protested. An account of the London procurator's ledgers, day-books, memoranda, and other papers may be seen in Documents, I. No. 150, P<sup>2</sup>, note 57 (pp. 663, 664). The business was that of paying for education at St. Omer's and in the continental monasteries of nuns; also of settling the new postulants for the religious life with the necessary dowry in their respective convents; of paying passages to and fro across the ocean, besides a multitude of incidental expenses. The Maryland family names which meet our eyes in the accounts, supplemented by the catalogues of Jesuits, are Adams, Brent, Blake, Boarman, Boone, Brooke, Carroll, Cole, Darnall, Digges, Doyme, Edelen, Falkner, Fenwick, Hagan, Hill, Hoskins, Howe, Gardiner, Jenkins, Lancaster, Matthews, Mattingly, Milbourn, Millard, Neale, Parnham [*Farnham*?], Pile, Pye, Queen, Semmes, Sewall, Spalding, Thompson, Wharton. Half of these names were borne by Jesuits; and a great proportion borne by nuns. There remained a good number of laymen belonging to the same families. Returning from St. Omer's or Bruges to Maryland, they maintained the prestige of culture, which distinguished the Catholic body in the colony.

We may add the West Indian contingent at the college of Bruges, when it was suppressed in 1773. Among the smaller boys, besides Robert Tuite from Maryland, there appear from St. Croix two Ferrols, two Bourkes, a Cullen, Wade, Smith, and Jordan; from Antigua, two Browns; from San Domingo an Evans; and from Montserrat, a Power. Among the larger boys, the Maryland contingent is predominant; and, besides, there appear Jeremy Smith of Ste. Croix, Bernard O'Reilly of Jamaica, John Rice of Barbados, Robert Taafe, birthplace not given. (Ghent, Arch. de l'Etat, *Arch. des Jésuites*, Nos. 82, 83, Registers, 1771-1773, of the Little and Great Colleges at Bruges, that is, of St. Omer's College transferred thither in 1762.)

If we count the number of American Jesuits about the time of the Suppression (1773), we succeed in finding some 38 among the 285 members of the English Jesuit Province—a proportion of about 13 per cent. As some of the Maryland Jesuits,

About 1760, or a little later, the town of Baltimore, wrote Father John Carroll, began to grow into notice. Before that, "it was an inconsiderable village, which afforded neither employment nor a sufficient living, even for a minister of the Established Church."<sup>17</sup> Taking a retrospective view in 1830, Father Nicholas Sewall wrote: "When I was at Baltimore 64 years ago, there was no Catholic chapel there, and few or no Catholics."<sup>18</sup> This referred to the year 1766, the same in which Nicholas entered the Society at the age of twenty.

Before that, in 1763-1765, we find the business accounts of two schools at Baltimore, which were "*De la haute ville*," and "*De la basse ville*," evidently for the service of the poor Acadians. The cost of tuition was twelve pence a month. Father G. Hunter's day book records for different times sixteen scholars in the upper town, twenty in the lower. An amount of domestic work, dressing flax, weaving, spinning, knitting, is put to the credit of the schools; while wheat, corn, butter, goods, are put to their debit.<sup>19</sup> Baltimore, where the Jesuits bought land of Daniel Carroll in 1764,<sup>20</sup> became a place of promise. The only other centre in Maryland, the town

like Nicholas Sewall and John Mattingly, never returned to their native country, and West Indians did not appear in North America, the names of some among these do not occur in the American lists, appended to the present volume (Appendix F, §§ 254-256). We subjoin at once a list of Jesuits whom we discern to have been Americans, for the date of 1773 or thereabouts (cf. Appendix F, § 269):—

Chas. Boarman, Md.; John Boarman, Md.; Sylv. Boarman, Md.; Edw. Boone, Md.; John Boone, Md.; Ign. Brooke, Md.; Leon. Brooke, Md.; Edw. Brown, Antigua; John Carroll, Md.; Jos. Cole, Md.; Rob. Cole, Md.; John Deas, Md., lay brother; Fran. Digges, Md.; John Digges, Md.; Thos. Digges, Md.; Jos. Doyne, Md.; Raph. Hoskins, Md.; Aug. Jenkins, Md.; Rob. Knatchbull, Md.; Arn. Livers, Md.; David Lowe, West Indies; Ign. Matthews, Md.; John Mattingly, Md., Mich. Morphy, Montserrat; Bennet Neale, Md.; Chas. Neale, Md.; Leon. Neale, Md.; Wm. Neale, Md.; Edw. Nihill, Antigua; John Nihill, Antigua; Peter O'Brien, Antigua; Hy. Pile, Md.; John Royall, Pa.; Jos. Semmes, Md.; Chas. Sewall, Md., Nich. Sewall, Md.; Chas. Thompson, Md.; Chas. Wharton, Md. (Engl. Prov. Arch. *Catalogi Varis*; 1772, 1773.—Foley, *Collectanea*, Introd., cxxvi.)

To complete these historical points, we merely add the names of places mentioned, where the daughters of Maryland families were educated or became nuns: Aire, Antwerp, Cambrai, Gravelines, Hoogstraet, Liège, Lierre, Paris, Pontoise, Rouen. The religious Orders in question were chiefly those of Poor Clares, Carmelites or Teresians, Benedictines. All of them were English establishments. (Prop. *Anglia*, i. f. 49. Brady, iii. 89, 90. Butler, i. 492-495.)—Compare Guilday, Rev. Peter, *The English Catholic Refugees on the Continent*; vol. 1., *The English Colleges and Convents in the Catholic Low Countries, 1558-1795*.

<sup>17</sup> Georgetown Coll. Transcr., 1789; J. Carroll's *Answer* to Smyth, f. 7.—He is speaking here of the time beyond "25 or 30 years ago."

<sup>18</sup> Stonyhurst MSS. A., ii. 21, No. 62, N. Sewall's addition to a copy of Mulledy's letter, Georgetown, April 4, 1890, with a summary of Bishop Fenwick's (Cincinnati), s. d.—Nicholas must have spent some time at home in Maryland, after finishing his collegiate studies in Europe, and before returning thither to enter the Order. His brother Charles became the missionary at Baltimore after the Suppression of the Society.

<sup>19</sup> Md.-N.Y. Prov. Arch., carton DB; G. Hunter's first day-book.

<sup>20</sup> Documents, I. No. 92.

of Annapolis, was entirely Protestant. To Annapolis, said Father Carroll, had "crowded all officers and placemen, among whom no Roman Catholic could be ranked; there sat, the Assemblies, which always kept over them [*the Catholics*] a jealous and watchful eye, and sometimes attempted their total suppression."<sup>21</sup> It was a fortunate circumstance that the new town of Baltimore had the advantage of situation, being at the head of navigation in the Chesapeake Bay. Annapolis, which was lower down, lost its commercial importance. For the present, Baltimore too was difficult enough. Father Pellentz wrote to Carroll in 1786: "The hardship Father [*Charles*] Sewall suffered made me think that Baltimore in time will be a flourishing mission."<sup>22</sup>

We have now shown enough of the domestic, educational, controversial, and other aspects of the North American mission, to follow the political fortunes of Jesuits and Catholics in Maryland.

§ 219. The efforts at "total suppression" of the Catholics, as John Carroll expressed himself in the passage just quoted, grew steadily in intensity from the period of quiet after Governor Hart's departure in 1720 till the violent period between 1750 and 1760. In addition to the loss of civic franchises before 1720, there came upon Catholics generally the double taxation of all their landed

<sup>21</sup> *Answer to Smyth, loc. cit.*

On the subject of fat offices and places, filled by non-Catholic "officers and placemen," Carroll observes of the Catholics, that, "during the prevalence of the British Empire, they were most iniquitously excluded from the favours of government, and even from professing the most lucrative employments of civil life"; still "few of the original Catholic families of Maryland, which did not emigrate to other parts of America, have abandoned their religion; and many others have embraced it" (*loc. cit.*, f. 6v). This was said in 1789. Now this very same point of civil and official ostracism and disqualification was used by Governor Sharpe, December 16, 1758, with an erroneous conclusion appended from several gratuitous premises of his own. His conclusion was that Catholics had largely abandoned their religion. Writing to the lord proprietary under that date, he said, that "a majority of the inhabitants continued Papists till the [*Orange*] Revolution"; that, from Queen Anne's time (Governor Seymour's administration), "they were not permitted to sit in either house of Assembly, to vote at the election of representatives, to act as magistrates, or to enjoy any place of publick trust or profit; nor have they been since suffered; and to this, I presume, it must be principally attributed, that, altho' half the province were Roman Catholics about sixty years ago, the people of that religion do not at present make a thirteenth part of the inhabitants" (Ridgeley, p. 96). Here the remote data of the governor, in an official document, are worthy of Maryland history and tradition. The errors of fact are, first, that, as late as 1689, the Catholics had been a majority in the province. For that date, the historian Scharf roundly puts the proportions as thirty Protestants to one Papist (i. 815). The second error is that, about 1700, the Catholics had been half the province. The documents of Seymour's and Blakiston's time had spoken of them as a twelfth or thirteenth part of the colony—about the same as in Sharpe's time. Cf. *supra*, p. 452.

<sup>22</sup> Georgetown Coll. *Transcr.*, 1795-1811; Pellentz, February 27, 1786, to Carroll.

property, and upon the Jesuits in particular repeated assaults by prosecution, or by the attempted confiscation of their property.

Thus Thomas Brooke, sometime president of the council and interim governor after Hart's departure, assailed the title of Robert

<p>Case of Thomas <i>vs.</i> Robert Brooke, Jesuit.</p>	<p>Brooke the Jesuit to property inherited from their father, Thomas Brooke, senior. Several portions of his father's estate had come to the Jesuit at twenty-one years of age.</p>
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But a part of Delabrook Manor, vested in him by devise, was to be enjoyed by him only at the death of his mother, who was left tenant for life. On precisely the same terms, Thomas junior, the Jesuit's Protestant brother, and eldest son in the family, had been vested with the remainder of the other part, which he should enjoy at the decease of the mother. The Jesuit Robert conveyed away his rights and his property to the mission of Maryland. He died in 1714. In the year 1723 legal counsel was taken to ascertain whether, Robert Brooke, S.J., being dead, his interest in the remainder did effectually pass to the Jesuits. It seems clear that, if the title were void to this remainder, the right of the Order to the other property, long ago conveyed by Father Brooke, would also be imperilled. Two lawyers, one J. Darnall, the other Robert Raymond,<sup>1</sup> gave their written opinions to the effect that the title was perfectly valid in the person (Father Mansell) who was actually vested with the rights of the priest now deceased. Raymond gave the reason for his opinion, that the anti-Popery act of 11 & 12 William III. did not extend to the plantations.<sup>2</sup> These opinions were given in 1723, 1724, just before the mother, Mrs. Eleanor Brooke, now Darnall, made her will.<sup>3</sup>

Five years later, Colonel Thomas Brooke, the Protestant brother of the deceased Jesuit, Robert, was seventy years of age, and was about to make his will.<sup>4</sup> We infer that he was desirous of recovering for his own numerous family that part of the mother's interest, which had been left in remainder to the Jesuit, and was now vested in Father Thorold. In the May term, 1729, he brought the case into court, as lessee of the land, against Edward Cole, to whom Thorold seems to have sold or to have been selling the property.<sup>5</sup> The pleas

<sup>1</sup> This happens to have been the name of the English attorney general in 1718. In 1723, Sir Robert Raymond, Kn<sup>t</sup>, was Lord Chief Justice in England.

<sup>2</sup> *Documents*, I. No. 42, B; opinions, December 9, 1723; January 29, 1723 (N. S., 1724?)—It does not appear which party called for the opinions. The original papers are among the Georgetown College MSS.

<sup>3</sup> *Md. Hist. Magazine*, i. 71.—The will was dated March 31, 1724; proved February 21, 1725.

<sup>4</sup> *Ibid.*, 186.

<sup>5</sup> *Documents*, I. No. 45, A.

advanced by Messrs. Key and Beckingham, the Protestant lawyers of Thomas Brooke, were such that, if he succeeded in this first suit and obtained for himself the estate left in remainder to his Jesuit brother, not only would it have cost him then no more than a mere formality to enter into the other estates of Father Robert, conveyed forty years before (1689) to the mission of Maryland,<sup>6</sup> but he could also have entered into the property of his other two Jesuit brothers, Ignatius and Matthew.<sup>7</sup> For the lawyers reasoned that Robert Brooke had been a Popish priest; and, as such, had been incapable of inheriting landed property.

On the other hand, the Protestant lawyer who pleaded in the interest of the Jesuits, took his stand on an admission of the "council for the plaintiffs,"<sup>8</sup> that, under the suspending act made by order of Queen Anne, Catholics were <sup>The priest's status in law.</sup> allowed the use and exercise of their religion; they were therefore allowed the use of the functions which only a priest could exercise; this was a permission for the exercise of such functions by a priest; and consequently it was a permission of the priesthood. He reasoned that to convict Robert Brooke, the Jesuit, fifteen years after his death of having been a priest, and to punish him with forfeiture of his lands and rights, was in contradiction to the purport of the suspending act. Upon the absurdity involved here, the lawyer enlarged in terms which we have given elsewhere.<sup>9</sup> The court accordingly decided for the defendant.<sup>10</sup>

It is singular that neither the lawyers pleading, nor the two who had been previously consulted, seem to have honoured with a passing allusion the Maryland act of Governor Hart and his assembly in 1718, by which the suspending act of Queen Anne's time had been swept away as radically null and void; on the ground, said the assembly, that no act which might be passed in Maryland could alter the effect of William III.'s Parliamentary anti-Popish statute.<sup>11</sup> James Carroll, himself a lawyer, was of the same mind with all the rest; for it was just three months before this suit that he had bequeathed the valuable estate of White Marsh to Father Thorold,

<sup>6</sup> Documents, I. No. 42, A.

<sup>7</sup> *Ibid.*, No. 42, C; 65.—*Cf. Md. Hist. Magazine*, i. 71.

<sup>8</sup> This use of the term "plaintiffs" in the plural shows that the suit was a general family campaign. In fact, the Protestant Thomas Brooke's children were no fewer than fourteen in number (*Md. Hist. Magazine*, i. 186). Some of the connections were Catholic. But we notice commonly that, even among pious people, all ties snap when the purse tries to expand.

<sup>9</sup> Documents, I. No. 43.

<sup>10</sup> *Ibid.*, No. 44.

<sup>11</sup> *Supra*, p. 443.

first under a confidential trust through Charles Carroll, and then, by a codicil, directly and without disguise, to "the said George Thorold, his heirs and assigns for ever."<sup>12</sup>

The appearance of Indians or French anywhere on the borders provided an occasion, always snapped at, for an agitation against the Papists. As Nicholas Spencer, secretary of Virginia, had written at the time of the Orange Revolution, there were always unruly and disorderly spirits seizing every chance in affairs to raise the cry of religion—evil members, who desired to fish in disturbed waters.<sup>13</sup> Any disturbance in Great Britain served the same purpose. Thus on the young Pretender's campaign in Scotland (1745, 1746) any charge could be hung against the Papists at the other end of the world, in Maryland.

Father Richard Molyneux, superior of the mission, was supervising the development of Pennsylvania affairs in 1744, at the same time when a treaty was being negotiated between the colonies and the Indians, at Lancaster, in Pennsylvania. In the following year, 1745, the Jesuit church of St. Mary's was opened there. The same year was the date of the young Pretender's enterprise. These circumstances were enough for all kinds of tales: that Molyneux, "the Principal of our Jesuits" was at Lancaster, and was an agent of the French to prevent a treaty of the Six Nations with the English; that, being charged in the provincial court with treasonable practices, he "was so conscious of his guilt" as to beg for liberty to leave the province; that the judge himself remanded the case, which was taken up by the council; and the council, "having examined him privately, discharged him without any publick mark of resentment." All this showed to evidence the dark guilt of the Jesuit Principal, as some one gravely informed the Earl of Halifax. These and similar matters were so serious that Lord Halifax asked the informant several questions; he declared "that this affair demanded the attention, not of the Board of Trade only, but even of the whole legislature"; and that "he made no doubt of the facts represented to him."<sup>14</sup> To

The case of  
sundry vs.  
Father R.  
Molyneux,  
1744, 1745.

<sup>12</sup> Documents, I. No. 62, C, E.

<sup>13</sup> P. R. O., *Cal.*, viii. § 92; April 27, 1689.

<sup>14</sup> Md., N. Y. Prov. Arch., C. No. 63, §§ 5, 6, "Memorial to the Earl of Halifax"; and letter thereupon, London, February 25, 1752, to the representatives of Calvert, Ann Arundell, Prince George and Charles Counties.—The writer is a Maryland busybody, who has seized on the Popish evil to cater for the post of provincial agent, which ought to be established in London, and for which he is clearly approving himself. (Cf. *Researches*, ix. 42.) The name of the busybody is given in a letter of C. Carroll of Carrollton to his father, 1760. Mr. Calvert had told him that "one Brooks had brought over and presented to my Lord Halifax a memorial, loaded

adventurers who laboured with enterprise under the anti-Popish obsession, the state of Papist oppression under which all Protestants groaned was obvious.

After the Lancaster affair, a great proclamation was issued by Governor T. Bladen (July 3, 1746) against Jesuits and Popish priests, who were seducing his Majesty's good Protestant subjects from their allegiance. In due course, Governor W. Gooch was also to the fore with his proclamation against priests who penetrated into Fairfax county, Virginia.<sup>15</sup> The turmoil in Maryland was so threatening that, two months after Bladen's proclamation, Father Molyneux made an assignment of all the real and personal estate which the Society possessed in Maryland, for the consideration of £1000 currency. The friend to whom he confidentially entrusted the property under this formality was Mr. John Lancaster (September 9, 1746).<sup>16</sup>

Assignment  
of all the  
Jesuit prop-  
erty in Md.,  
1746.

§ 220. Here followed a period of years, signalized by violent anti-Catholic and anti-Jesuit persecution, from 1750 till 1756. Writing in 1760 after the events, Charles Carroll, second of the name, said to his son Charles of Carrollton, who was then a young man of twenty-two studying law in Europe: "From what I have said I leave you to judge whether Maryland be a tolerable residence for a Roman Catholic. Were I younger I would certainly quit it." In any case, he said, he was ridding himself of his real property, that his son might be freer to leave the colony with ease.<sup>1</sup> What had happened was a drama which only Maryland was in a position to enact; for that plantation alone had an influential and well-to-do body of Catholics. It showed the same will to do by them as all the other colonies were doing on a scale much smaller, for want of ampler material to exploit.

Charles Carroll himself, whom we shall name the Squire, gave the immediate occasion for this crowning episode in Maryland religious history, by calling into court Charles Carroll, a surgeon of Annapolis. But the remote occasion was a question about the property of two Jesuits, one the heir at law, the other legatee, of James Carroll, their uncle, the same who had devised his estate of White Marsh to the Society

The Jesuit  
principals in  
the Carroll  
case.

with the deepest and most severe complaints of [against] the R.C. [Roman Catholics], and Proprietarys family" (*Md. Hist. Magazine*, x. 255. See *infra*, p. 547, note 5).

<sup>15</sup> *Supra*, p. 515.

<sup>16</sup> *Documents*, I. No. 80.

<sup>1</sup> Rowland, i. 48; July 14, 1760.



in 1729.<sup>2</sup> These two young men, Anthony and James Carroll, were also executors under the will; but, during their minority, or their absence in Europe, their executorship was discharged by the Squire and the Surgeon, all these parties having the same family name, and being closely related.<sup>3</sup> The Jesuit legatee, Father James Carroll, returned to Maryland from Europe in 1749.

In the name of the Jesuit Carrolls, who were the principal executors, the Squire caused a bill of complaint in chancery to be filed against himself and the Surgeon, for the execution of their trust during twenty years of administration. He made his own separate answer to the bill, stating that the Surgeon had demurred to give an account of his trust, and had offered to "lump the account" by paying £420 sterling, in acquittance of his obligations. The Squire averred that such a sum was about one-third of what the Surgeon owed; and that, in any case, "he would not accept £1000 nor lump the account," but would insist upon a particular return of receipts and disbursements.<sup>4</sup> In presence of Daniel Dulany, commissary general, who was resorted to as referee by the parties,<sup>5</sup> the Surgeon had retorted on the Squire, that the latter "was fishing for the Society of Jesuits; and that he might stretch the string on the lion's skin till it broke." The commissary wrote in a letter to the speaker of the lower house: "I understood this to be an allusion to the Penal Laws." Dulany's disapproval of such cavilling had only elicited from the Surgeon the expression of a sensitive and refined apprehension. "I remember," said the commissary in the same letter, "the Doctor mentioned his being apprehensive of incurring a *Praemunire*, if he paid the money to Mr. James Carroll's legatees; to which I answered that I did not doubt but he had discretion enough to act safely."<sup>6</sup>

In his anxiety to extract from the referee Dulany an opinion which would suit himself, the Surgeon had sent him beforehand a secret protocol of the advice to be given: "I must request you will make this an ingredient towards giving such. I am appointed executor by the will, (which may be proper for you to see,) during the minority of Mr. Carroll's nephews only, who are now taken into orders and are

<sup>2</sup> *Supra*, p. 495.

<sup>3</sup> John Diggs and Francis Hall were likewise appointed in the will as substitute executors, but their names do not appear in the litigation.

<sup>4</sup> The will had it, speaking only of a residue: "standing debts, money in England, bills of exchange remitted, tobacco remitted or to be remitted or housed, lands, mortgages and bills of sale, or other securities" (Rowland, ii. 384).

<sup>5</sup> Apparently January 21 or 22, 1750.

<sup>6</sup> May 28, 1751.—The statute of *Provisors* or *Praemunire* is chiefly 16 Ric. II. c. 5.

priests. 2. Whether a recusant or priest can be an executor? If not, what right has Mr. Carroll to call me to account; or who shall have the residue of the estate?"<sup>7</sup> That is to say, Squire Carroll as a recusant, and the Jesuit heirs as priests had no standing in law to be executors, and to call on the Surgeon for an account. What remained of the Jesuit nephews' property, as goods not to be accounted for, should lapse to the Surgeon, as first occupant of a vacant estate. Dulany's answer to this subreptitious attempt was given by word of mouth. As he informed the speaker of the lower house, transmitting at the same time the Surgeon's extraordinary letter: "I wrote no answer, but told Dr. Carroll that I would not make the ability or disability of the legatees any ingredient in my opinion"; and he disowned in the most solemn terms what the Surgeon was reported to have said in the lower house, that "I told him in private conversation, he would be in danger of a Praemunire, if he paid the money." In Dulany's written opinion delivered to the parties,<sup>8</sup> and subsequently published by the Squire as part of an "Advertisement," the commissary's legal advice practically left the defaulting Surgeon in the grip of the law.

The defaulter's title by occupancy.

The lie of the case, which became a public issue in 1751, was perfectly clear. Jesuits and Catholics were to have no standing in law, that the defaulter might stand on his feet; and his speculation was to be protected and maintained out of a proper regard for the Statute of Provisors—albeit the provisions made by the Surgeon for lining his own nest had not been precisely the Papal provisions for ecclesiastical benefices, contemplated in Plantagenet law.<sup>10</sup>

The Surgeon himself had acquired a standing. Once a Catholic, he had become a renegade, whether as an antecedent to his speculation, or, more probably, as a necessary consequence. On Easter Monday, April 11, 1748, he had been "unanimously" elected a vestryman of St. Ann's parish, Anna-

The defaulter's titles to respect.

<sup>7</sup> Cf. *supra*, p. 161; the Virginia harpy, Joseph Bridger, fastened on this article of Stuart and Orange manufacture.

<sup>8</sup> January 21, 1750.

<sup>9</sup> January 22, 1750.

<sup>10</sup> This turn of larceny into religion was not new either in British or in Roman history. In the Martyrology for July 30 is commemorated the case of St. Judith, a lady of Cappadocia, who demanding her property from a man of influence, and making an appeal in court against the robber, was met by him with the exception that she was a Christian, and had no right to a hearing. The judge ordered her to offer incense as a pagan, and qualify herself. As a Christian she refused, and was cast into the fire. This is religious history in miniature. Indeed, St. Augustine makes out much imperial history likewise to be only a story of grand larceny (*latrocinium*): "*Remota justitia, quid sunt regna nisi magna latrocinia?*" (*De Civ. Dei*, iv. 4.)

meetings with great assiduity. The date of his relinquishing the responsible office, in 1751, coincided with that of the legal process against him as a defaulter, and also with the date of a vestry order, that the depleted congregations of the Anglican Church in Maryland should be replenished with all kinds of persons.<sup>11</sup> It coincided also with another event in the Surgeon's career. He was returned as an honourable member of the provincial assembly; and, at the critical moment in 1751, he sat there as a legislator, with the immunities due to an honourable man. Anti-Popery was now on the flood, swelling with a strong tide in the legislative chamber. The affections of the assembly warmed to the defaulter as to one of themselves; to a persecuted man, as engaging the tenderer sympathies of their nature; to an anti-Papist and anti-Jesuit, as embodying the only religion which they knew.

§ 221. On May 22, 1751, the committee of grievances represented to the honourable lower house the growth of Popery in the province; the education of Catholic children in foreign Papist institutions; the return of many such as priests and Jesuits, who, said they, "here live together in societies, propagating with great industry and zeal"; and the existence of houses belonging to such, "with public Mass houses." Worse than that, these Jesuits teach youths, hold tracts of land and plantations, extend to the back parts of the province, where French and German and other foreigners are. Altogether, the inconveniences, "which must attend this spreading evil, are to many for us to enumerate. Therefore we humbly submit them to the consideration of your honourable House."

The province's  
grievances  
against  
Jesuits.

Two days later, Squire Carroll, who had not the franchise of

<sup>11</sup> *Md. Hist. Magazine*, ix. 169: "March 5, 1750-1. . . . Present, The Rev. Mr. Malcolm, Rector, Mr. Thomas Worthington, Dr. Charles Carroll, Dr. Alexander Hamilton. . . . The Vestry ordered, That an Advertisement should be set up by the church wardens, relating to the Statutes of England and Laws of this Province, which oblige all persons to attend the public worships of God." This pious industry was well intentioned, that of engaging people to fill empty pews; but it was rather of the "sweating" kind, for the wages were so low, being none other than an escape from the operation of penal laws. Still, the defaulter's kindly vestry practised self-restraint; it issued only an Advertisement. Ancient Barbados had been more zealous, when it sent out a press-gang of "constables, churchwardens and sidesmen" twice every Sunday, to search the taverns and ale-houses; to relieve tippling backsliders of five shillings' alms for the use of the poor; or else to use another alternative with these backsliders, who would not pray or doze in pews, nor pay the five shillings fine. The gang, which made its rounds in taverns and ale-houses instead of saying its prayers, was authorized to sweep such prayerless sinners into the stocks of the market place, and keep them there in contemplation for four hours; during which time, we may be certain, the reforming culprits did not pray in the right way. See *supra*, pp. 100, 101.

sitting as an honourable member and explaining the case inside, affixed an "Advertisement" to the state-house door outside.<sup>1</sup> This paper contained the relevant matters. There was "The Hon<sup>ble</sup> Daniel Dulany Esq., his Opinion"; as also a few paragraphs by the Squire himself on the outcome of the conference before Dulany, and on the bill in chancery now preparing, to "be shortly filed by one of the legatees of James Carroll, to bring Dr. Carroll and Mr. Carroll to a fair account." The house forthwith resolved that the said Advertisement contained scandalous and malicious reflections upon its own proceedings, and upon an honourable member of its own body—the defaulting Surgeon. It was ordered that the Squire should be taken into custody by the sergeant. It was moved that the Advertisement should be stigmatized as "false." Fifteen said Aye to this; twenty-seven said Nay. The conception of truth was not yet extinct. Then twenty-two voted that the Squire should be thrown into the public gaol; but twenty-eight voted No. Squire Carroll made a kind of apology, without retracting anything. Here began depositions taken in this year (1751), and several following years, to the damage of Father Wappeler and other Jesuits, about whom we should learn not a little, if the deponents told the truth or knew it. The depositions were largely filled with the usual nonsense of anti-Popery.

At once, in the same May, 1751, the house drafted a bill and then passed it, for rescinding the suspending act of Queen Anne, and putting in full force all the provisions of William III.'s anti-Popery act.<sup>2</sup> The rewards provided in the said act were to be paid by the public treasury to any one "who shall apprehend any Popish bishop, priest or Jesuit," and shall prosecute the said felon unto conviction, for "saying Mass, or exercising any other office or function of a Popish bishop, priest or Jesuit within this province."<sup>3</sup>

At the same time an humble address was presented by the worthy burgesses to his Excellency Samuel Ogle, Governor of

<sup>1</sup> May 24, 1751.

<sup>2</sup> 11 & 12 Gul. iii., c. 4.—This suspending act had already been despatched by Governor Hart's assembly (*supra*, p. 486). Here, as in the Brooke case (p. 527), it seems to be still alive. Many circumstances go to show that, in cases of their own history and law, Maryland people enjoyed the benefit of what grand juries used to express as "Ignoramus."—Governor Sharpe likewise kept safely within the nebulous folds of history when he spoke to John Sharpe (October 10, 1756) of "the Penal Statutes, which by an act of Assembly made long since are declared to extend to this Province" (Georgetown Coll. MSS., as *infra*, p. 550, note 16).

<sup>3</sup> Passed, lower house, June 1, 8; passed upper house, June 8; deferred till last day of July next, June 8, 1751.

Maryland, praying for protection—the protection of their religious and civil liberties against Jesuits, Papists and Popery. The governor replied in proper and sympathetic form.<sup>4</sup> But at the same moment, the upper house shelved the persecuting bill of the delegates, and declined to satisfy the wrathful expostulations of the aggrieved party below.

To the governor and upper house petitions were presented by Charles Carroll Esquire in his own name as well as on behalf of the other Catholics in the province; and by sundry Catholic signatories besides, in their own name and that of others. As several of the names here appended to the collective petition against persecution appear in another petition somewhat later, that meant for the Roman authorities against the introduction of a Catholic bishop or vicar apostolic in Maryland,<sup>5</sup> we report the signatories in a note.<sup>6</sup> The persons who were in the thick of the fight were competent to know the merits of relevant questions. They also addressed Frederick Lord Baltimore. But a most singular circumstance of the desperate straits to which the Catholics were being reduced is that afforded by a slip in Father G. Hunter's hand. It sketches a paragraph in what would seem to be a petition to the Crown. That Catholics in Maryland should have had recourse from the colonial legislature to King George II. of England shows a dilemma indeed.<sup>7</sup>

The year 1752 witnessed a rehearsal of the operations in 1751—reports of grievances, votes in the lower house, anti-Popish persecuting bill, and depositions against Jesuits, schoolmasters, etc. Some one ran over to England and succeeded in reaching the ear of the Earl of Halifax, who presided over the Board of Trade.<sup>8</sup> The commonwealth's dangers, which patriotic souls were willing to remove, may be illustrated by the fourth point of this intriguer's representation; to wit, that the Jesuits had property! In fact, the lower house soon faced this particular danger by a special bill to impound, appropriate,

Aggravation  
of the Jesuit  
peril—their  
property.

<sup>4</sup> June 7 and 8, 1751.

<sup>5</sup> *Infra*, p. 591.

<sup>6</sup> Edw. Neale, Francis Hall, Henry Darnall, P. Mannor, Philip Darnall, W. Digges, H. Rozler, Basil Waring, Daniel Carroll, Clement Hill, Ignatius Digges, Henry Brooke, Charles Carroll. (Brit. Mus. MSS., 15,489, ff. 71<sup>v</sup>, 72.)

<sup>7</sup> "It is also pray'd that the Royal Order, constantly given to the new Govrs of other Colonys, be also extended at least to R: Cath<sup>s</sup> in this, that no new Law affecting the property of the subject shall be putt in execution before the previous consent and agreem<sup>t</sup> of the Crown [*erased*—& Proprietor]." (Md.-N.Y. Prov. Arch., portf. 3; a loose slip inserted by Hunter, and apparently to be connected with the ending of his "Short Account of the Proceedings of the Assembly of Maryland," written after 1755, 4 pp. 4to.—*Of Woodstock Letters*, x. 11-14.)

<sup>8</sup> *Supra*, p. 528.

and so remove the peril: "4°. Moreover, the Jesuits are not only already possessed of large tracts of land well cultivated by tenants, and well stocked with slaves, six or seven fine seats and several publick chappells; but they frequently prevail on dying bigots to leave their estates to the Popish Church; by this means that artful Society, if not timely prevented, will increase into so much property, as cannot be thought of by Protestants without great concern for the consequence."

Benjamin Tasker, president of the Council, was acting as governor in 1752. In 1753, the hero of the campaign appeared in the person of Governor Horatio Sharpe; who, after fighting for right and justice, at last fell into the same pit, which had extinguished the magnanimity of other great men before him, of Nicholson, Blakiston, Seymour, and Hart. He was aspersed with favouring the Papists. In face of such a reproach, which he could not think of without great concern for the consequence, he had no resource but unconditional surrender to the faction. Of a side-campaign carried on by a minority among the Protestant ministers, solicited by the defaulter, Charles Carroll Surgeon, but judiciously kept under control by the Rev. Thomas Bacon, we do not pause to take notice, beyond pointing to Bacon's own narrative of the proceedings.<sup>9</sup>

The coming  
of Horatio  
Sharpe.

§ 222. Worthy of all fame in the annals of Maryland was the year 1754. It is not to be found among the dates which have made that plantation memorable for liberty, security and enlightenment. Still it is not the less worthy of fame in the legislative annals of the world. A bill which was framed, under the name of "An Act for the security of his Majesty's Dominion, and to prevent the Growth of Popery within this Province," cited no law or statute on which it was based, nor alleged any offence, statutable or otherwise, for which it inflicted absolute confiscation. It was a pure emanation of autocracy in its last form, that of a democracy or conglomerate mass, which having no soul needed not to profess reason.

Attempt at a  
law without a  
reason.

"For the security of his Majesty's dominions against Indians and French," the act in its preamble stated, that Maryland Papists

<sup>9</sup> *Md. Hist. Magazine*, iii. 257-273, 364-384.—Here (p. 375) is Wakeman's estimate of this clergy. This Wakeman, when sick, must needs be a Papist, but when he unexpectedly got well, no Papist was he. Still, he aired his views, of which we give a snatch, *infra*, p. 589, note 10.

For the sources of this § 221, see *infra*, p. 550, note 16.

were worthy of observation ; and it proceeded incontinently to enact that all the property of Jesuits or reputed Jesuits, and retrospectively all property used by such persons since October 1, 1751, was taken over and vested in seven men, two of whom were "Honourables," five a reinforcement equally good.<sup>1</sup> These men and their successors were made a court of commissioners with all necessary powers for their high functions, and, in particular, with that of unearthing all "Popish priests or Jesuits, or reputed Popish priests or Jesuits," by means of three oaths, those of "allegiance, abhorrency and abjuration"; the refusal of which should be taken "as full and conclusive evidence to prove such Popish priest or Jesuit a Popish recusant convict"; and such, continued the act, "shall forfeit all his or their lands, tenements and hereditaments, to the uses mentioned in this act." The uses

**Reason of the attempt.**

mentioned were clear; as well as the reason not mentioned, why the bill was framed. Each of the seven commissioners and their clerk should have fifteen shillings current money every day for services rendered, besides travelling charges. They were free to continue themselves and their services, without limitation of time, and to knock down at auction for the benefit of their friends, or hold over for further deals in this new court of

**The booty, and the shares.**

patronage, all the Jesuit estates now "vested" in their own corporate personality.<sup>2</sup> As the real property of the Jesuits was worth £13,000 sterling, and their 200 slaves £6000 sterling, these seven favoured adventurers and the clerk of the permanent Jesuit land court had a rich field to exploit for years and years to come. They had about £38,000 currency to realize and take their fifteen shillings a day out as often as they chose, besides lubricating their travelling gear as much as they liked. In knocking down the property, they could still afford liberal discounts to the hangers-on, the land-sharks, the needy convicts, and defaulting legislators like the Surgeon Carroll; who had asked so pertinently of Dulany: "Who shall have the residue of the estate?"<sup>3</sup> Moreover,

<sup>1</sup> Hon. George Plater and Hon. Richard Lee; Messrs. Wm. Murdoch, John Goldsborough, Nicholas Hyland, John Addison, and Henry Wright Crabb.

<sup>2</sup> Several modern republics or states have copied exactly this Maryland legislation of 1764. Compare France and its Law of Association in the early years of the twentieth century. See *supra*, p. 32; *infra*, Appendix D, p. 669, note 7.

<sup>3</sup> Documents, I. No. 97; 1765.—*Of. Ibid.*, No. 185, A, note 27; 1794, 1795.—Rowland i. 60; C. Carroll, January 9, 1764, to Charley of Carrollton.—From these places we have for 1765, seven Jesuit farms, St. Inigoes, Newtown, St. Thomas's, White Marsh, Deer Creek, Tuckahoe, and Bohemia, summing up 12,677 acres, and having 192 negroes. In 1764, C. Carroll, the Squire, rates an acre at 20 sh. sterling, or £1 0. 0. sterling. He also estimates a slave "at £30 ster. cash each,

the Jesuits, if they chose, could, in keeping with the provisions of the act, extend the operations of the permanent Jesuit land court, and fatten its patronage. They had only to acquire new lands, from the date of 1754 till the end of time; and, whether held openly by them or secretly in trust with others, such lands were forthwith vested in the said commissioners or their successors for the usual operations. Besides all this, the Popish priest or Jesuit was never to have a public Mass-house, or dwell with others in societies.

This long-winded bill, scrupulously minute in its provisions, passed the lower house of delegates with the votes of thirty-two against nineteen.<sup>4</sup> It was rejected by the council a week later.<sup>5</sup> The considerate oblivion of pious historians has buried it out of sight.

There had been discrimination in this Jesuit question; and the £38,000 currency had failed to reach the party purse. Five weeks later, the faction took a freer and broader view, without discriminating. They would comprise all Papists; <sup>A larger haul.</sup> and thus, without honouring Jesuits in particular, they could still extend their legislative favours to the priests, taken in one mass with the rest. The Papist body had certainly been treated with exceptional regard. In 1715-1717, they had been carefully weeded out of all offices in the province; while, at the same time, the dozen acts against the admission of Irish Catholics were gaily running their course. In 1718 and 1751, William III.'s great anti-Popery act was declared to be in full force; and it was comprehensive enough even for the Maryland colony. But, seeing that it was not falling upon the Catholics with its full momentum, the faction proposed (July 17, 1754): "Whether persons refusing to take the oaths to the government, when tendered, shall be taxed for his Majesty's service or not?" This was a euphemism for double taxation of the Papists; which process would bring in, every single year, a good share of the gross sum, £38,000, so narrowly missed, and would take away from the good Protestant population so much of their burden, albeit so loyally borne. The proposal, however, was negatived in the lower house itself. The grant of double taxation on Papists,

on an average," which was just the same price forty years later (1794, 1795). We have seen above (p. 520, note 6) that in 1745 the exchange rate between currency and sterling was as 100 : 200. In 1754, our present date, the war conditions being the same or worse, the pound sterling would still be at least double the pound currency.

<sup>4</sup> May 22, 23, 1754.

<sup>5</sup> May 30. *Votes and Proceedings*, May, 1754, pp. 84, seq.; a MS. copy in Georgetown Coll. MSS., in (B. U. Campbell's?) quarto blank-book.



in aid of the Protestant taxpayer, was an idea which required as yet two years to mature.<sup>6</sup>

§ 223. Aided and abetted by the people outside, the faction was indefatigable, and cultivated its majority inside. The citizens of Prince George county, in November, 1754, instructed their delegates "to dispossess the Jesuits of those landed estates, which, under them, became formidable to his Majesty's good Protestant subjects in this province; to exclude Papists from places of trust and profit; and to prevent them from sending their children to foreign Popish seminaries, whereby the minds of youth are corrupted and alienated from his Majesty's person and government." In Cecil county, where Bohemia lay, Protestants manifested an anti-Papist zeal for proscription, quite worthy of the Protestant rector of a parish there, the Rev. Hugh Jones.<sup>1</sup>

The faction returned to the charge in the next year, 1755; and passed a bill "to prevent the importation of German Papists, and Popish and Jesuitical priests."<sup>2</sup> This being amended in the upper house was dropped. Another session in the same year<sup>3</sup> showed how the discipline of the political machine was improving. "On motion it was resolved unanimously" that a certain statute, the antiquated law of William and Mary for relieving Protestant dissenters from all penal laws therein mentioned,<sup>4</sup> should be extended to the province of Maryland; and that all the penal statutes therein named should now operate in Maryland, as against Catholics. This was the old artifice of Governor Seymour and his managers. It had been "a blind jump" then, said Seymour; the assembly did not know what it was led into doing.<sup>5</sup> Now this long-forgotten "blind jump" the lower house itself conceived the pleasure of remembering, and trying again, but not blindly. It joined unanimously in an address, which called upon Governor Sharpe to have all the penal laws, enumerated in the said statute of William and Mary, put at once into execution against Papists, throughout the length and breadth of the land.

They addressed the governor. But, at this moment a domestic bereavement befell the honourable house. The em-  
Exit of the  
peculator.
bezzler, Charles Carroll Surgeon, died.<sup>6</sup> Regardless of the decent mourning with which the worthy company honoured the

<sup>6</sup> For the sources of this § 222, see *infra*, p. 550, note 16.

<sup>1</sup> *Records*, xxiii. 110, 111, E. I. Devitt, "Bohemia."

<sup>2</sup> February 22, 1755.

<sup>3</sup> 1 Gul. & Mar., c. 18.

<sup>4</sup> *Supra*, pp. 458-460.

<sup>5</sup> June 23, 1755.

<sup>6</sup> September 29, 1755.

memory of the peculator, Charles Carroll the Squire, whose case against him was still pending, filed a bill of revivor against the surgeon's son and heir.<sup>7</sup>

At last, the year 1756 witnessed a brilliant campaign. The faction, which had become very strong, deserved all the success which it won. It had been obstructed steadily by the council and the council's president, the governor. It now broke down the council's obstructiveness by lashing the general public into anti-Papist fury. It brought the governor to his knees by representing him as favouring Papists. The last act.

The campaign recalled a scene which we have already described, that of Nevis with its law of blood against Papists; when a certain Mr. Smith careered through the island, posing as a patriot, and swept in a new assembly, composed, said General Fleming, "of persons of the meanest abilities, most desperate fortunes, and most immoral manners by farr, known upon that island."<sup>8</sup> In Maryland, the Protestant clergy were not wanting in such a holy work of zeal. There was that Rev. Mr. Chase, who had led the embezzler's party in the convention of the clergy, and who, as the Rev. Mr. Bacon wrote, The people lashed into anti-Papist fury. "The clergy seemed to have been suborned by the peculator."<sup>9</sup> suborned. Chase appears also to have been the reverend party with whom the relapsing Protestant named Wakeman had been personally acquainted, and with whom Wakeman's description of the Protestant clergy directly squared.<sup>10</sup> Of him Governor Sharpe wrote to the proprietary: "Mr. Chase, rector of St. Paul's parish in Baltimore county, scrupled not to intimate from the pulpit to his congregation, that the state or situation of the Protestants in this province was, at that time, very little different from that of the Protestants in Ireland, on the eve of the Irish massacre."<sup>11</sup>

To shield himself, as well as the auxiliary interests of justice and decency, from the rising storm of fanaticism, Governor Sharpe had called upon all the magistrates of the counties to report about the Papists, coupling them, of course, with negroes. None had

<sup>7</sup> Rowland, i. 25, C. Carroll, July 26, 1756, to his son.

<sup>8</sup> *Supra*, p. 202.

<sup>9</sup> *Md. Hist. Magazine*, iii. 368.—Chase's articles read by Magill, and relating to Popery and Jacobitism, were the very same, says Bacon, "which had been agitated in the Committee of the Agrievances, and drawn up in the very stile and spirit of Dr. Carol [*the Surgeon*]."

<sup>10</sup> *Ibid.*, 375: "By G—d, all he knew of our clergy were such a pack of d—m'nd scoundrels, he did not think them capable of leading him any where but to hell."

<sup>11</sup> Ridgely, *Annals of Annapolis*, p. 96, Sharpe, December 16, 1758, to Lord Baltimore.

anything to report, not even, he says, Prince George county, though it very much desired to do so.<sup>12</sup> But the magistrates of St. Mary's county, which was the very stronghold of the Papists, made a return in quite the contrary sense. After contributing the piece of information, that, "about three or four months ago, one Mr. Ellis, a priest who lived at New Town in this county, went from thence in order to go, as it was said, to settle at a Danish island in the West Indies, and has never since returned,"<sup>13</sup> they proceeded to say that, if they could only catch the people who were industriously spreading reports, they, the responsible magistrates, would "take proper measures for their being brought to justice, as enemy's of their country's peace, and friends of a faction, who labour to foment animosities amongst us, to the endangering our common security."<sup>14</sup>

On April 8, 1756, the lower house began its new round of legislation against Papists, with a bill "for granting a supply of £40,000 **The delegates** for his Majesty's service." Within eleven days the upper **charging.** house had laid the matter low. On April 23, the demagogues below charged again with a bill under the very same title. The very next day the creature died a natural death with their honours above. On the same day (April 24) the governor addressed the assembly, reporting the answer of all the magistrates in Maryland, that no one among them had been able to find any fault with the Papists.

The governor and the lower house were at close quarters; but the latter had taken a most unfair advantage of the former. His Excellency in his address had been endeavouring to parry the foul **Sharpe on his** blow, as he explained to the proprietary: "The lower **knees.** house, incited by two or three gentlemen whose interest and popularity were thereby promoted, presented an address to me, which was calculated to inflame the people still more against the Papists; and to make 'em believe that they [*the Papists*], or a few of them at least, had received extraordinary favours from myself." His address, said he, had rebutted "the allegations or insinuations" as "false and groundless"; and the calumniators did not reply. Nevertheless, they had won the day.<sup>15</sup>

<sup>12</sup> Ridgely, *loc. cit.*

<sup>13</sup> For the episode of an adventurer, trying to make money and his way with the Duke of Newcastle by anti-Popery, see the performances of John Robinson, who attached himself to Father Ellis on this voyage, played the cheat and spy, and offered his Grace all kinds of revelations. (*Researches*, xxv. 358-362; April, May, 1756.)

<sup>14</sup> Brit. Mus. MSS., 15,489, f. 73; September, 1756.—The justices who sign are Phil. Key, Tho. Aisquith, John Bond, Zach. Bond, R. Barnhouse, T. Mill, T. McWilliams, Thomas Greenfield.

<sup>15</sup> For the sources of this § 228, see *infra*, p. 550, note 16.

§ 224. Four days later (April 28), they returned to the charge again with the identical bill. The council began to weaken; that is, the governor had been hit. To stave off the ferocity of the demagogues, their honours above framed a mild anti-Popery bill of their own; "by which," said Sharpe calmly, "the priests were to be rendered incapable of holding any lands, to be obliged to register their names, and give large security for their good behaviour, forbid to make a proselyte under pain of the penalty for high treason; and it was to have been enacted by the same bill that no person, who should hereafter be educated at any foreign Popish seminary, could be qualified to inherit any estate or to hold lands within this province." But this mild and gentle bill, which would hang a priest for saving a soul, and disinherit a citizen for being the son of his father, did not suit the demagogues at all. They threw in the spice of divers amendments. The council held firm, considering its own bill "severe enough," said Sharpe; and the gentleman added suavely, it was "sufficient to answer any good end that could be desired by any Protestants who delighted not in persecution." Here he drew the line beyond which Protestant persecution would only begin. Hanging priests and disinheriting citizens was, he conceived, but Protestant comity and amity. And he explained why; because, said he, the Catholics were unexceptionable as citizens; the Protestants not so: "Upon the whole, my Lord, I must say that, if I was asked, whether the conduct of the Protestants or Papists in this province hath been most unexceptionable, since I have had the honour to serve your lordship, I should not hesitate to give an answer in favour of the latter [*the Papists*]." <sup>1</sup>

This persecuting bill of the council had an effect seemingly unexpected. There was a smell of blood about it; and, for the first time, the good people, who had smelt blood only in the operations of the lower house, began to feel refreshed, seeing the fangs of the upper house protruded at length. Sharpe wrote: "It quieted the minds of the people, and silenced those who had endeavoured to inflame and terrify them." <sup>2</sup> The 92,308 inflamed and terrified Protestants felt reassured in presence of the 7692 "unexceptionable" Catholics, now that governor, council and delegates were all seen to be at one on the bloodhound's scent. And so, as we have heard Burke describe a similar scene: "These insolent and profligate

<sup>1</sup> Ridgely, *Annals of Annapolis*, 99, 100.

<sup>2</sup> *Ibid.*, p. 100.

factions, as if they were playing with balls and counters, made a sport of the fortunes and the liberties of their fellow-creatures."<sup>3</sup>

The demagogues had been flanked. They rallied. Since the loss and gain between the faction and council was pretty much at a par, the sides stopped to draw breath, to make terms, **The game an even draw.** and reach an understanding. There were 316,150 acres of land held by Catholics in Maryland, whereas the Protestants had only three millions and a half (3,636,321½ acres).<sup>4</sup> If the contracting parties left the blood-letting to another time, they might begin with despoiling the Papists. So, along this line of minor resistance, amicable conferences were held, and a bill concocted to the tastes of both parties. Under the dates of May 12 and May 14, 1756, the announcements of the two clerks, Macnamara and Ross, were entered on behalf of their respective houses, the lower and upper: "Read and, with the Amendments agreed to by the Conferences of both Houses, will pass."

During all the period of agitation, Charles Carroll the Squire had been an efficient leader of divers Catholic gentlemen, and he addressed himself to meet every phase of the campaign. In April, **An inter-ference.** there was presented to the governor a petition of the Catholics, describing the bill "now before your Honours, by a clause of which the lands of all Roman Catholicks are doubly taxed," and praying the upper house not to pass any such discriminating bill.<sup>5</sup> At the very moment of the conferences (May 12) another petition was presented by Charles Carroll, Basil Waring, Clement Hill and Ignatius Digges, Esq., in their own name and that of the Catholics. This was naturally a block to the conferences, and to the eventual passage of the bill, when it should come to their honours.

His Excellency Horatio Sharpe was in a difficulty. He was deep in the game with the demagogues. But here was an exercise of the right of petition assured to every British subject by the Petition of Right. He had not nerve enough on the one side, in the committee room of the conferences. He

<sup>3</sup> *Supra*, p. 168.  
<sup>4</sup> P. R. O., 605, No. 16; August 29, 1755: the number of white inhabitants was for "Maryland, 1749—100,000." Sharpe says in the letter already quoted, December 16, 1758, to the proprietary, that the returns just made show the Roman Catholics "do not at present make a thirteenth part of the inhabitants"; and "the rolls returned by the collectors of the land tax show that they are not possessed of a twelfth part of the land." For September 29, 1759, the official account reports: Land held by Protestants, 3,636,321½ acres; held by Papists, 316,150; total, 3,952,471½. Such a distribution in an official return shows what was going on in 1759; that the collectors were now levying the double tax on every acre of a Catholic. See itemized list, *Researches*, v. 72.

<sup>5</sup> "Presented April 10<sup>th</sup>, 1756."

prevaricated on the other. He wrote by his secretary J. Ridout, that no such bill as the Catholic petition designated did then lie before him, or had been passed by the upper house.<sup>6</sup> But, he added, if any such bill was being framed by the lower house, then, said he, "you and they [*the Catholics*] may and ought, before you make application to any other branch of the legislature concerning it, present a petition to the Honourable the Lower House, and desire to be heard on the subject matter of such petition" (May 12, 1756). Two days after this letter, the bill passed the upper house (May 14); and, says the record, "the engrossed bill passed both Houses the 15th May, 1756." Governor Horatio Sharpe might have adopted as his own the sententious maxim of Governor Seymour, delivered to Fathers Hunter and Brooke: "Pray take notice that I am an English Protestant gentleman, and never can equivocate."<sup>7</sup> Merrily bitter were the comments of Charles Carroll Squire on the unconstitutional trick at his expense and that of the Catholics, played by Governor Horatio Sharpe.<sup>8</sup>

\* Probably Sharpe was a stickler, not for the unities of place, time and action, but for their distinctions and variety. The bill may have been lying on a table beside him, and not "before him." Then, as it was only going to be passed, Ridout might write for him, "no such bill has, to his knowledge or belief, passed or been assented to by the Hon<sup>ble</sup> the Upper House of Assembly." Adding a mental reservation to all this, the gist of the answer lay in juggling with the adverbial clause of place, and the verbal tense of time. And so, as Sharpe conceived that the bill did not lie before him, we may conceive the same of him.

<sup>6</sup> *Supra*, p. 456.

<sup>7</sup> Md.-N.Y. Prov. Arch., C., 63°, Ridout, May 12, 1756, to C. Carroll; Carroll, May 18, 1756, to Ridout.—*Ibid.*, Carroll, May 18, to C. Digges, "Warring" and Hill; May 14, to the same; Digges to Carroll, *s. d.*

Carroll seems to have been effectually deceived by the official trick. To the entries of these letters in Georgetown College MSS., he appends the following: "Oh! the sagacious Govt! , who knows not yet that he may dissent to a law, unless a previous application be made to the Upper and Lower Houses! ¶ Oh, the sagacious Govt! , who did not know the day when the law passed the Lower House, and yet we were double-taxed by it! ¶ Oh, the sagacious, merry and witty Govt! who ordered his clerk to write to me and others, at 40 miles distance from him, to oppose a law which passed the House the day Mr. Ridout wrote his letter; or, may be, before the letter was out of his hands! ¶ Most governors find their Lower Houses of Assembly assuming powers, and encroaching on the rights of Government, and, instead of encouraging them they are always attentive to restrain attempts of this sort; but our sagacious Govern<sup>t</sup> says: 'You or they may and ought, before you make application to any other branch of the legislature concerning it, present a petition to the Hon<sup>ble</sup> the Lower House, and desire to be heard on the subject matter of such petition.' This is a doctrine, which would make the Upper House and governor cyphers.

"For by a parity of reason, if you cannot apply by petition to the Upper House and governor against a bill passed by the Lower House unless you had first applied to the Lower House against that bill, the Upper House and governor ought not to reject any bill passed by the Lower House. This is a doctrine so absurd, that it must strike a person even of the Governors sagacity, if it were broached to serve any other purpose, than to give a colour to a step resolved on, to oppress the Roman Catholics.

"Oh, the sagacious Governor, who thinks the above letter a *Coup de Maître*, by ordering it to be copied and attested with our petition to him, without my application

During five years, from 1751 till the present date, 1756, authenticated papers on the issues pending in Maryland had been steadily forwarded to London by the oppressed party, for professional use with higher powers. It is particularly to be noted that, in 1756, England, which had led the way so long as a persecuting power, was now sunk to the second or third rank. Little Nevis was quiet, ever since Fleming had come down upon the burgesses like a gallant soldier. Great Massachusetts had succeeded so well with its anti-Popery that during three-quarters of a century, as Mayhew said, ever "since the [*Orange*] Revolution, hardly a Roman Catholic, except some transient persons, have been seen in New England"; and he was confident that by the Acadians, recently dispersed there, "we surely are in no danger of being perverted from the Protestant faith."<sup>9</sup> Maryland had mounted to the very first place among persecuting establishments; so much so, that we shall hear in a moment the Protestant merchants in London petitioning the King of England to moderate the fanaticism of the colony. Lower house, upper house, and governor, were all at one. The 92,000 odd Protestants were at one likewise with their governor and houses, in the solitary issue which made all feel congenial. They had what no other colony ever possessed, a fine body of some 8000 Catholics; about whom, one Sharpe, Horatio, wrote to another, John Sharpe: "Many of them are persons of considerable fortune"; and, when he had passed the bill of extortion at the expense of this landed gentry, the same Horatio wrote blandly to a third Sharpe, William, that it was "an act, which I thought equitable, and which you say appears to you in the same light." For, in Maryland and Pennsylvania, the Jesuits had lands as the same Horatio Sharpe divulged to the English John: "Their priests hold large tracts of land among us,

to him for it. By his so doing I suppose he thinks it contains a full justification of his conduct in passing the bill" (Georgetown Coll. MSS., as *infra*, p. 550, note 16).

"Cyphers" I said Carroll ominously of the gubernatorial class. The fact was that Sharpe, an official jobber as he showed by his trick, was intellectually a cipher as he showed by his answer, and, like all other governors, was politically so. In American life they were all as much nonentities, as in the eyes of London authorities they and their correspondence were the sole entities in America. Sixteen years earlier, "H.R.," a man evidently well acquainted with America, indited a letter in London, saying among other things: "There is not one governor in any of these places now (except Philadelphia), that has any influence or even common credit amongst the people, or that can get 5 soldiers in his province; and this for many good reasons, or rather bad ones" (P. R. O., 569, *N.E.*, ff. 54, 55; H.R., London, March 10, 1740, to "Sir"). For these good reasons, or bad ones, see the ample explanation of Lord Dorchester, Quebec, December 31, 1793, to Dundas, deprecating a repetition in Canada of the old policy, which in the revolted colonies had reduced the governors "almost to corresponding agents" (*Ibid.*, *Col. Corr.*, *Lower Canada*, 67, No. 12).

<sup>9</sup> *Supra*, p. 328, note 5.

and their children are frequently sent to St. Omer for education. These are, in my opinion, great indulgences, such as are allowed in none of the colonies but Maryland and Pennsylvania."<sup>10</sup>

Twenty years were still to pass, before the people of Maryland felt that Catholics might be of use to them in the great Revolution. During those twenty years, an eccentric idea was indeed conceived once by the council; but it did not commend itself to the serener judgment of the rest; that, fanaticism and cupidity apart, the grinding down of Catholics was not defensible in point of justice or equity.<sup>11</sup> Since then, through the discreet silence of historians on these matters, the composed self-complacency of people has never suffered a ripple of disturbance.<sup>12</sup>

§ 225. But the charge made on the property of all Papists was only part of the campaign. No otherwise than as if the bills against the Jesuits had passed into law, Father James Beadnall was taken up by the sheriff. This was the Father's legal perquisite for having journeyed down from Bohemia to visit the Catholics in Talbot and Queen Anne's counties (September 22, 1756). He was indicted on two counts; and the grand jury of Talbot County found a true bill against him, "as a clerk and priest of the Church of Rome."<sup>1</sup> The indictments were, first, that he had said Mass in the houses of David Jones and Thomas Browning; and, secondly, that he had endeavoured to withdraw by persuasion the Protestant dissenter and Quaker, Rachel Macmanus, from her religion to that of the Church of Rome. The bail exacted for his appearance (October 19, 1756) at the provincial court of Annapolis was no less than £1500. Then he was remanded to the assizes in Talbot County, where, after seven months of annoyance, he was acquitted (April 16, 1757) from the first charge in

Indictment of  
Father Bead-  
nall, 1756-  
1757.

<sup>10</sup> Georgetown Coll. MSS., H. Sharpe, October 10, 1756, to John Sharpe; July 6, 1757, to William Sharpe.—Cf. Shea, i. 418, 419, D. Dulany on the situation, December 9, 1755. He had said earlier, December 26, 1752, that the number of Papists in Maryland was "very inconsiderable," and that they were "not tolerated at all," so he understood, "in any other British province except Pennsylvania" (*Researches*, iii. 41). This statement tallied with Burke's account of the Catholics in England: "Enough to torment, but not enough to fear" (Amherst, i. 57).

<sup>11</sup> In 1758, the upper house attempted to relieve Catholics of the double tax, as "not to be defended upon a principle of justice or of equity" (Shea, i. 442). This attempt corresponded with the tenor of a long, reasoned petition presented to Governor Sharpe by "Sundry Roman Catholics," against the act which had passed. One observation therein runs thus: "We do not charge our enemies with being fools or madmen, but we submit it to your Excellency to determine what character they deserve." This was rather a home thrust. (Md.-N.Y. Prov. Arch., C. 59<sup>a</sup>.)

<sup>12</sup> For the sources of this § 224, see *infra*, p. 550, note 16.

<sup>1</sup> Brit. Mus. MSS. 15,489, f. 66<sup>v</sup>, petition of Beadnall to Lord Baltimore.



virtue of Queen Anne's suspending act; and from the second, because it was not proved. The jury returned the verdict of Ignoramus—a solitary confession, in this legal case, of what was a universal mental condition at the time.<sup>2</sup>

Nor was that enough. Father Bennet Neale at the Deer Creek mission in Baltimore county was to be made out a public traitor, engaged in the service of the French. William Johnson made a very grave deposition against Neale before Thomas Cresap, justice of the peace at Frederick (October 26, 1756). The matter was serious enough to be inserted by Hazard in his *Pennsylvania Archives*. The priest was arrested by the sheriff, and stood for his trial at the Annapolis assizes, in February, 1757. The man who ostensibly had dealt so much with Father Neale was not even able to recognize the priest; and so he was sent to Lord Loudoun as a deserter.<sup>3</sup>

Indictment of  
Father B.  
Neale.

The London merchants "trading to Maryland" submitted a petition to the King, "in the name and behalf of their correspondents who are Roman Catholics." They represented that the late act was unconstitutional, as being against the fundamental laws of the colony; and "that this and other hardships, laid on the Roman Catholics in the said province, may oblige them to retire into the dominions of the French or Spaniards in America, where they will cultivate tobacco, and rival our colonies in that valuable branch of trade."<sup>4</sup>

The law was finally assented to by the proprietary in London. The Catholics, as they said in the last cited petition to Governor Sharpe, being "almost reduced to a level with our negroes, not having the privilege of voting for persons to represent us in the Assembly," began to look elsewhere. Within three years Charles Carroll sold off lands

Renewed  
projects of  
Catholic  
migration.

<sup>2</sup> *Woodstock Letters*, x. 22, 23, "Historical Papers," from Md.-N.Y. Prov. Arch.—*Records*, xxiii. 112, E. I. Devitt, "Bohemia."

<sup>3</sup> *Woodstock Letters*, loc. cit., 23, 24.—Hazard, iii. 16, 17; cf. *Ibid.*, p. 13.—Shea, i. 448, 444.

<sup>4</sup> Md.-N.Y. Prov. Arch., C., No. 61.—The conception of constitutional malpractice was not extinct in Maryland. Two years after he had signed the bill of extortion, Governor Sharpe wrote to W. Pitt, that the council had twice rejected a money bill for war purposes, sent up by the lower house, "because they were of opinion that the mode of taxation, by which the bill proposed to raise the money, was unconstitutional and unjust, and that it would, if 'twas admitted, most sensibly affect, if not entirely destroy, the credit of the province" (P. R. O., 71, H. Sharpe, Annapolis, May 18, 1758). The economical state of the place was discouraging, with high quit rents for the proprietary, and tobacco taxes for the Protestant clergy. (*Md. Hist. Magazine*, v. 363, B. W. Bond, "The Quit Rent in Maryland.") This may have weighed as a motive with Sharpe for considering the extortion practised on Papists as "equitable."

to the value of £2000 sterling."<sup>5</sup> Moreover, he negotiated with the French court for an extensive grant of land on the Arkansas river in Louisiana (1757-1758).<sup>6</sup>

Exactly ten years later, another attempt at Catholic migration from Maryland was made under the leadership of Dr. Sir Henry Jerningham,<sup>7</sup> an English physician who had settled in the colony. He was the brother of a Jesuit, and a man of high aristocratic connections. It appears that parties of Acadians had removed from Maryland to Louisiana in 1765 and the two following years,<sup>8</sup> and then had sent word to Maryland of their happy lot, particularly in a letter of July 31, 1767. About the same time (March 24, 1767), we find a petition from twenty-seven Acadians at Fredericktown, Cecil Co., asking assistance of the county justices in "removing to the French settlements on the River Mississippi." In the following month, a schooner cleared out of Annapolis, having aboard "200 passengers with their baggage, bound for Mississippi." It is affirmed that the petitioners received the relief which they had sought."<sup>9</sup>

Louisiana.  
The Acadians  
from Mary-  
land.

Between May and December of the same year, Jerningham wrote three times to Don Antonio de Ulloa, the first Spanish governor of Louisiana, which had been ceded by the French to Spain. He spoke on behalf of the English Maryland Catholics, whom the governor in his correspondence complacently rated as "much more than a thousand families," practising the Catholic religion "in all its purity," but oppressed and degraded under the Protestant ascendancy."<sup>10</sup> The physician was very particular in his inquiries about spiritual assistance to be rendered by curates or missionaries. He remarked:

<sup>5</sup> Field, T. M., p. 35, C. Carroll, sen., October 6, 1756, to his son.—Cf. Md.-N.Y. Prov. Arch., C., 636, "The case of the R. C. in Maryland."—In 1760, Charles Carroll of Carrollton expressed some views to his father on Lord Baltimore's complicity in the proceedings of legalized spoliation. The young law student, who had made the acquaintance of Lord Baltimore, Mr. (Benedict?) Calvert, as also of one of the Sharpes in London, comported himself ably in his critique of Mr. Calvert's apology. He charged the proprietary with "inactivity" and "passive indolence" in allowing "a despicable vile mob" to carry all before it, and "not openly refusing his consent to laws so iniquitous even in his own opinion" (*Md. Hist. Magazine*, x. 255, 256; London, April 10, 1760).

<sup>6</sup> Rowland, i. 31, 32.

<sup>7</sup> "M.D., et Eques Anglicanus."

<sup>8</sup> *Amer. Hist. Review*, xvi. 320; 325, note 6.

<sup>9</sup> *Md. Hist. Magazine*, iii. 19, 20.

<sup>10</sup> "Conserbandose desde entonces en la Catholica en toda pureza, se hallan oprimidos y despreciados por el dominio de los Protestantes. . . Pues si Marilanda ofrece muchas mas de mi familia, quantas seran las que daran las otras Provincias contiguas, al exemplo de las primeras." Ulloa tells the Marquis de Grimaldi that he has taken his information from the Acadians, who certainly did not stint their praise of the Maryland Catholics; though the collateral points, like that about other English colonies being apparently Catholic, were not so authentic.

"We know, since his Catholic Majestys late orders, no Jesuits reside in his extensive dominions." The negotiations proceeded so far that the Spanish governor granted a free pass and all possible facilities to James Walker, an explorer, who, with the ocular testimony of a "live despatch,"<sup>11</sup> could inform his Catholic friends in Maryland on the nature and advantages of the country from New Orleans to St. Louis. Ulloa sent Acadians to accompany Walker in the expedition.<sup>12</sup>

The Spanish governor was at this moment expecting a successor; and he expressed his anxiety lest the thread of negotiations should be broken off. He would be willing to help Jerningham from Spain.<sup>13</sup> We have no reason to believe that the enterprise advanced any further. If Maryland Catholics removed not long afterwards to Kentucky and the west, that migration under the Federal Government was actuated in new circumstances and by new motives. At the date of which we are now speaking we know that spiritual ministrations in the upper parts of Louisiana were desperately scant since the expulsion of the Jesuits by the French; that Father Meurin, sole survivor of the Jesuit mission, was at this very time

<sup>11</sup> "*Carta viva.*"

<sup>12</sup> *Amer. Hist. Review*, loc. cit., 323-327, Jerningham, Maryland, "Mouth of Wicomico River, St. Mary's County," (May 2, not extant), November 28, December 14, 1767, to Ulloa. Ulloa, New Orleans, February 11, 1768, to Grimaldi.—Cf. T. M. Field, p. 80, C. Carroll, London, 1768, to his son, on "one Uloa," author of *Memoirs of America*.

Jerningham accredits himself to the Spanish governor by telling of his connections. The account which he gives is a replica of what was usual in Catholic families, during the 17th and 18th centuries:—his eldest brother a Jesuit, who died in Rome; a younger brother, Hugo, a Recollect at Doway, in French Flanders; three sisters, Ann, Elizabeth and Edwardina, all religious among the Augustinian nuns at Bruges in the Austrian Netherlands. Another younger brother Charles was lieutenant-colonel in an Austrian cavalry regiment; his uncle, Sir George, had been an official in the court of Charles XII. of Sweden; one cousin was in the service of his Christian Majesty, as lieutenant-colonel; and the other cousin, apparently the only one at home, was married to Lord Dillon's daughter. The physician himself, with a wife and seven children, was in Maryland, whence, we see, he was negotiating to get out as soon as possible. This specimen of a Catholic family, giving us the history in miniature of the English Catholic gentry, and agreeing with the history at large of the Irish people during those centuries, bears out perfectly well the statement of Mr. Asquith, Prime Minister, in a recruiting speech delivered to a Dublin audience (1914), the leader of the Irish party being at his side. Mentioning an incidental result of England's anti-Popery in regrettable times now past, he observed that on occasions when England was in distress, half a million of brave Irishmen were serving in Continental armies, and were of course at the sword's point with Great Britain.

The Jesuit brother named by the physician was evidently Father Francis Jerningham (ob. 1752, aged 31 years). Another Jesuit Father Francis Jerningham, of the same Norfolk family, Cossey Hall, had died in London, 1739, at the age of 51. (Foley, *Collectanea*, s. vv.) The father of the physician was first cousin of the actual Duchess of Norfolk.

<sup>13</sup> *Amer. Hist. Review*, loc. cit.

driven out of Ste. Genevieve (Missouri) by the Spaniards; that he met with a hospitable reception from the English on the eastern side of the Mississippi;<sup>14</sup> and that in no circumstances was St. Louis a fit habitation for any Christian during many years to come.

We are willing to accept the assertion that public authorities in Maryland helped the Acadians out of Maryland. The two parties concurred in the movement, but probably not in the intention. The Acadians intended to find a happier clime. Thus we can adorn the bouquet of Maryland persecution, as exhibited above, *Philanthropy in Maryland* with another posy; that as the place was a scene of fury against the English native Catholics, it was not less so against the French Catholic refugees. Charles Carroll told his son that the helpless and the innocent among these were pursued with ferocity even in their cradles.<sup>15</sup>

<sup>14</sup> Georgetown College *Transcr.*, 1647-1770, Shea's excerpts; letters of Gibault and Meurin (Kaokias) to Bishop Briand.

<sup>15</sup> Rowland, i. 27, C. Carroll, sen., July 26, 1756, to his son: "It has been the misfortune of 900 and odd of these poor people to be sent to Maryland, where they have been entirely supported by private charity, and the little they can get by their labour, which for want of employment has been but a poor resource to them. Many of them would have met with very humane treatment from the Roman Catholics here, but a real or pretended jealousy inclined this government not to suffer them to live with Roman Catholics. I offered the government to take and support two families, consisting of fourteen souls; but was not permitted to do it." The "government" here means the executive, Horatio Sharpe and his officials. See *supra*, 278, note 18. Three years later, when the fortunes of the French Crown were sinking low, Carroll, senior, wrote to his son (January 9, 1759): "The French seem to be so distressed everywhere, that, upon a peace, they [the Acadians] cannot reasonably hope for relief from them [the French nation]; thus will they fall victims to our cruelty, by which they have been reduced from a state of ease and plenty to misery, poverty and rags." And, half a year afterwards, when reports of victories over the French of Canada were coming in, Carroll wrote again (August 13, 1759): "While we are in the highest transports of joy, the poor Acadian prisoners among us are quite desponding and dejected; they are helpless, and people tired of supporting them so long by charity; for my part they have cost me as much or more than the 2800 livres you are likely to be cheated of" (*Md. Hist. Magazine*, iii. 18).—For a specimen of dastardly cynicism on charity towards the Acadian "pest," see the address of the Talbot county electors and freeholders to their delegates, February, 1757. (Scharf, i. 478.)

The obvious solution, adopted later by the U.S. Government for a different class of refugees from Nova Scotia, occurred to nobody with regard to these Catholic refugees from Nova Scotia. On April 7, 1798, an act was passed, providing that the heads, members, widows, heirs, etc., of those who had been resident in Canada and Nova Scotia, "prior to the 4th. day of July, 1776, and who abandoned their settlements in consequence of having given aid to the United States in the Revolutionary War against Great Britain," were to have the benefit of the resolutions of Congress, April 28, 1783, in the matter of being provided with lands. General Prescott sent a copy of this over to the Duke of Portland, as a model for Great Britain to do likewise in the matter of loyalist refugees. (P. R. O., *Col. Corr.*, *Lower Canada*, 81, No. 85, October 1, 1798.)

In the mean time a kindly Protestant of Maryland, H. Callister, met with opposition in finding homes, food or clothing for Acadians, as they were Papists: "few," he said, "have charity for them but myself" (*Md. Hist. Magazine*, vi. 237; December, 1755.—Cf. Scharf, i. 475-478). These later experiences of Callister in Maryland did not dispel his first impressions, received thirteen years before:

From the foregoing history we are qualified to appreciate the justice of what we quoted above, the opinion expressed by the elder Carroll to his son, Carroll of Carrollton, that the British colony of Maryland was no place for a respectable Catholic population.<sup>16</sup>

§ 226. Happy to find for colonial events some local colouring, which is so rarely distributed over these old papers, we shall close the chapter with missionary incidents, such as those of Father Mosley's life at the time; and also with some domestic scenes in the life of priests' slaves. The pleasure of seeing pictures will more than compensate for their homeliness.

"European merchants," he had written, "have found it their interest to introduce a new brood of vermin, which they keep the country supplied with, cats, dogs, negroes and convicts" (*Ibid.*, 218; 1742).

"Georgetown Coll. MSS., "A list of papers sent to England in defense of the Rom. Cath<sup>s</sup> of Maryland," Charles Carroll's original register, 11 pp. 4to. The list is addressed to somebody, probably Father G. Hunter, superior of the Maryland mission; and there are frequent entries of Carroll's letters to Mr. Carteret (Father Philip Carteret, S.J., Provincial) and Mr. Morphy (Father Michael Murphy, S.J.). This latter Father, a native of Montserrat, was some time missionary in Maryland (1753-1756); and he is spoken of in a Propaganda document as superior of Jesuit Fathers in England (*Anglia*, 4, f. 68). He died July 8, 1759, in Maryland. (Engl. Prov. Arch., Thorpe's *Extracts*.) Other papers are directed to Mr. Fitzgerald. The entries of legislative documents, assembly acts and manœuvres, are sometimes illustrated by Carroll with remarks.—*Ibid.*, G. Hunter's short register, "left with Richard Fitzgerald, Esq., the 11th April, 1757"; and copied in a quarto blank book (by B. U. Campbell?). One item is: "A list of all the papers sent to our sollicit<sup>r</sup> [in England] from the beginning till now." The same quarto blank book contains some more of the matter: the "Advertisement" of C. Carroll, *Votes and Proceedings* of Assembly, and in particular the bill of confiscation, May, 1754; also letters of Horatio Sharpe, October 10, 1756, July 6, 1757, to John and William Sharpe respectively.

Md.-N.Y. Prov. Arch., C., 58°-63°. Original correspondence of C. Carroll and the Catholic gentlemen, May, 1756; of Benedict Calvert, Ridout and Carroll; three petitions of Catholics to the upper house, April 10, 1756, to the governor, and Charles(!) Lord Baltimore; the Memorial to the Earl of Halifax, and letter of the memorialist, February 25, 1752, to the representatives of the counties; petition to the King from merchants trading with Maryland; petition, 1759, praying for disallowance of the double tax act by the Crown and proprietary.

*Ibid.*, portf. 8, G. Hunter's three different drafts of Short Accounts or petitions on the proceedings of the assembly of Maryland in regard to the Roman Catholics settled there, and on the indictment of Beadnall; printed in *Woodstock Letters*, x. 7-24.—*Ibid.*, No. 62, printed Assembly *Proceedings* (82 pp. 4to), October-November, 1753, containing a series of depositions.

Brit. Mus. MSS., 15,489, ff. 65-82, endorsed: "Papers relating to Laws for preventing the Growth of Popery"; scil. petitions to Frederick Lord Baltimore from the Catholics and from Father Beadnall; then a long series of papers, attested as true copies by J. Ross, Clerk of the Upper House: petitions of C. Carroll and of the Catholics to Ogle; Sharpe's order in council to the county magistrates, August 15, 1755, requiring them to investigate "Papists, Negroes or others," etc.; series of replies from the magistrates, September, November, 1755; old constitutional documents of Maryland.

Of. *Researches*, xxv. 37-39, 47, 48, 258-274.

In England, the double land tax on Catholics was only omitted in the annual Land Tax act at the time of the second Catholic Relief bill, passed in 1791. The old oppressive act was not actually repealed till 1831. (Amherst, i. 185.—Lecky, *England*, vi. 43.)

"Banished into the remotest corner of the world, amongst Indians, negroes and slaves," as Father Joseph Mosley wrote to his sister, in 1760, "and separated by the Atlantick from my dearest friends, yet notwithstanding all this perhaps the happiest man that breath's," he professed that he could not accede to his Jesuit brother's request, and be "a better steward of a life," which, he went on to say, "is not at my own disposal; but it is God's, and He is welcome to it in the service of my fellow creatures, or brethren in Christ." "Between 3 and 400 miles was my last Xt. Mass [*Christmas*] fare on one horse, the same I blindfolded." He reasoned with his sister: "What part of our labours can we cut off, without neglecting our duty? Must I refuse when the sick want me? Must I neglect my Sunday church exercise, to ease myself by staying at home? Must I, when at the chapel, refuse to hear half that present themselves? Must I, if call'd to the sick in the night, sleep till morning, and thus let the sick dy without assistance? Must I, if called to a dying man in the rain, stay till it's fair weather? It's fine talking over the fireside."

These particulars were given when Mosley was still in old settled quarters of the colony, such as Newtown on Clement's Bay, and Portobacco or St. Thomas's Manor. He moved to Bohemia in Cecil County, and then founded a new mission at Tuckahoe in Talbot County, Eastern Shore; where, besides a chapel, he built also a mansion for himself, described apologetically by Father John Carroll in 1789: "a cell, such as the woman of Sunam prepared for the prophet Elisha (4th Book of Kings, c. 4), containing just space enough for a bed, a table and a stool."<sup>1</sup> From there during a long series of years he corresponded with his sister. "Yes!" he wrote, "I've often seen poor miserable, abandoned families, in poverty, want and misery, suffer far more than all I've ever suffered. We are all God's creatures; what right have I to be better off than they?"

Desired to attend with all speed at Philadelphia, which was 110

<sup>1</sup> Documents, I. No. 95, E.—For Mosley's movements and enterprises, see *Ibid.*, No. 95, A-G.—For the ground plan and elevation of Mosley's chapel and dwelling-rooms, see Shea, ii. 297, 298; who gives reproductions of that Father's own pen-sketches for his sister, a "ruff draught of my Chapel and House" (October 4, 1784). The house was a prolongation of the chapel; and, at a time when "every necessary, especially nails, were very dear," he began the sacred edifice (52 feet long, 24 feet wide, wall 18 feet high), "trusting on Providence," he said; "and I've happily finished, without any assistance from our [*Jesuit*] Gentlemen, or my Congregation." This seems to imply that he built the whole chapel and house with his own hands, assisted by his small "family" of negroes.—Cf. Documents, I. *loc. cit.*

miles from his house, he started at once after divine service on a Sunday, and rode fifty miles in weather excessively hot, arriving at Bohemia in the evening; the next day, sixty miles more to Philadelphia; then "some necessary excursions into the country." After that, he reached home again in a two days' ride, all in the sultriest weather. On his return, "after a constant ride in June and July, in the heats of the year, of about 430 miles,"<sup>2</sup> he was seized with a violent fit of sickness,<sup>3</sup> which held him to his bed for ten days, "without any respite, ease or sleep, night or day." The horses, of which riders took more care than of themselves, were natural pacers, that would go "a whole day without food, at the rate of 7, 8, 9 miles an hour, in a constant pace." Called out one night to a sick person, 64 miles away, one who really had no need of him, he rode the whole way and back in continuous rain, and returned, without having had "sleep, victuals or drink, except bad water."<sup>4</sup>

Mosley made no mention of what his correspondents understood perfectly, the rigid ecclesiastical fast, which did not permit any refectation to be taken of meat or drink, from midnight, till after the last Mass, generally about noon. For a sample of the exactions in this respect we may glance at fifty years later, when priests were much more numerous, and stations better organized. In 1825 the superior of the mission described Father Enoch Fenwick's Sunday work; which with two Masses in different places, one sermon at least delivered, and confessions heard, kept the missionary fasting "till 3 or 4 o'clock in the afternoon."<sup>4</sup>

The American Revolution having ended successfully, Father Mosley wrote in 1784: "The Prot——t ministers, having no fixed sallery by law as heretofore, have abandoned their flocks which are now squandered, and joined different societies. We've had some share." He described how the Bill of Rights had operated: "When I first settled, I had not one of my own profession nigher than six or seven mile [*to Tuckahoe*]; but now, thro' God's particular blessings, I've many families joining, and all round me. The toleration here granted by the Bill of Rights has put all on the same footing, and has been a great service to us. The Methodists, who have started up chiefly since the war, have brought over to themselves

<sup>2</sup> The gravel.

<sup>3</sup> Georgetown Coll. MSS., *Mosley Papers*, letters of Joseph Mosley, S.J., to Mrs. Dunn, his sister, and Michael Mosley, S.J., his brother, 1759-1773, *passim*.

<sup>4</sup> Documents, I. No. 190, note 3.

chief of the former Protes—ts, on the Eastern Shore of Maryland where I live,"<sup>5</sup>

This Father Mosley who said, in 1760, that he was the happiest of men, though banished into a corner of the world, among Indians, negroes and slaves, lapsed into quite another tone some years later, when the fate of suppression had overtaken the Order in 1773. His sister wrote to him about it, Effects of the  
Suppression  
on a Jesuit. a year after the event. He replied, that he knew of it; but, said he, "it was little to the purpose to mention it to you, as I imagined that you was an entire stranger to the cause; and to let you into it would only have given you trouble, to learn how we have been used. And, now I mention it, I can't do it without tears in my eyes. Yes, Dear Sister, our body or factory is dissolved, of which your two brothers are members; and, for myself, I know I am an unworthy one, when I see so many worthy, saintly, pious, learned, laborious miss[ione]rs dead and alive [*have*] been members of the same, thro' the two last ages. I know no fault that we are guilty off. I am convinced that our labours are pure, upright and sincere, for God's honour and our neighbour's good." After further expressions of his grief, he continued: "Ah, Dear Sister, I can say now what I never before thought off; I am willing now to retire and quit my post, as I believe most of my brethren are. A retired private life wou'd suit me best, where I cou'd attend only to myself after years' dissipation in this harvest. As we're judged unserviceable, we labour with little heart, and what is worse by no rule. To my great sorrow, Dear Sister, the S[ocie]ty is abolished. With it must dy all that zeal, that was founded and raised on it. Labour for our neighbour is a J[esu]t's pleasure; destroy the J[esu]t, and labour is painful and disagreeable. I must allow with truth, that what was my pleasure is now irksome. Every fatigue I underwent caused a secret and inward satisfaction; it's now unpleasant and disagreeable; every visit to the sick was done with a good will, it's now done with as bad a one. I disregarded this unhealthy climate, and all its agues and fevers—which have realy paid me to my heart's content—for the sake of my rule. The night was as agreeable as the day; frost and cold, as a warm fire or a soft bed; the excessive heats as welcome as a cool shade or pleasant breezes; but now the scene is changed. The J[esu]t is metamorphosed into I know not what." Mosley proceeded to say that he would be willing to settle down as a chaplain in England, and to repair his little remains of health

<sup>5</sup> Georgetown College MSS., *loc. cit.*, October 4, 1784.



and his shattered constitution, "as he has no rule calling him to expose it." He closed the long letter with a significant signature: "Jos: Mosley, S.J. forever, as I think and hope."<sup>6</sup>

Notwithstanding his despondency, Father Mosley remained at his post; and a successor of his, revising the missionary's records, has summed up a part of the work accomplished: "During the period between the years 1766 and 1787, the journal kept by Rev. Mr. Mosley shows that the accessions to the Catholic churches, to which he ministered, numbered 185. During this period he performed the marriage ceremony for members of the several congregations in his charge, 170 times; and officiated at 175 funerals." He "travelled all over the eastern and southern part of the Western [Eastern ?] Shore, and baptized about 600 persons, many of whom were negro slaves."<sup>7</sup>

§ 227. A more general description of the missionary life was that given by young Father John Baptist Mattingly to the Propaganda. At the moment of the Suppression, he was professor of polemical theology and prefect of studies in the English College, Rome.<sup>1</sup> In the account which he gave of America he seems to have been drawing on his memories of boyhood. He had been brought up first at St. Omer's, then at the same college when transplanted to Bruges, and he had never returned to America.<sup>2</sup>

He mentioned only two of the Jesuit residences in Maryland, one at Portobacco, the other at Newtown, each with a usual complement of three missionaries. From these centres the Fathers attended various chapels or congregations, ten, fifteen, twenty or more miles distant, to celebrate divine service on Sundays and feast days; in some places twice a month or oftener, in others only once, according to the

A boy's impressions of missionary life.

<sup>6</sup> *Loc. cit.*, October 8, 1774.

<sup>7</sup> Md.-N.Y. Prov. Arch., portf. 46, J. B. Gaffney, S.J., pastor of Bohemia.

<sup>1</sup> Prop. Arch., *Scritture riguardanti l'esecuzione del Breve di Soppressione*, etc., 1774, *Missioni Miscell.* t. v., f. 22, petition of Mattingly to the Pope for leave to return home. The leave was refused by the special Congregation, June 30, 1774.

<sup>2</sup> Some items regarding him appear in the English procurators' accounts concerning Maryland boys and girls: "1759. To Jno. Bapt. Mattingly's expenses [apparently on his first arrival in London from Maryland], £21/0/1½. To his board, £29/9/10½." "1760, October 4. [In a column of twenty-five Maryland boys, girls, and nuns]. To J. B. Mattingley at Bl[and]ike [i.e., St. Omer's], £1/1/0." (Engl. Prov. Arch., ledger Wn.) The following little list shows what perfumery came to with some: "1760. Mar. 26. Maryland. Miss Susy Spaldings Apothecarys bill, £2/7/0. Do, bill to Mary Wheble, £1/2/9½. Miss Lydia Hows bill to Apothecary, £8/11. Do's bill to Mary Wheble, £1/0/1. Miss Sally Edelins bill to Apothecary, £2/8/0. Do's bill to Mary Wheble, £3/2/5. John Baptist [Mattingly] bill to Do, 0/4/0," etc. (*Ibid.*, day book P.)

number and necessities of the faithful. He continued, drawing on the recollections of a little layman: "All the said functions proceed more or less in this order. From early morn till eleven, they hear confessions; then they say Mass and distribute Holy Communion; after Mass, a sermon is delivered to the people, and the catechism explained [*for the children and ignorant*]. They exercise all ministries gratuitously, so as not in any way to accept gifts even when offered spontaneously. Amid the various labours of the evangelical ministry which they discharge, no slight one is that of visiting the sick and dying. For the natives do not live in towns or villages, but each family is separate and apart, on its own farm. Hence day and night, in winter and summer, to relieve the necessities of the faithful it is necessary to be always ready for long and painful journeys. The missionaries live a life remote from worldly conversation, as far as their ministry allows; so that there is not an instance of any one among them having been present at public spectacles, or other profane meetings. Whence it comes that they are held in great veneration, not only by Catholics, but also by heretics. As all this means a great spirit of submissiveness, and withdrawal from the chief enjoyments of life, such as are appointed to that mission must be men of great virtue.

"No bishop has ever yet penetrated into those parts, for the administration to the faithful of the Sacrament of Confirmation, so very necessary in the midst of such dangers of being *No bishops in America.* perverted. The chief reason of this is, that the followers of the Puritanical sect prevail there, and wage a continual war with the episcopal order. They have brought it about that no bishop of the Anglican Church has ever dared to establish a see there. In this the Catholics have done the same, for fear of giving heretics an occasion to start a persecution against the Catholic Church."

After some observations on the Jesuit estates, and the origin of them at Portobacco and Newtown, Mattingly continued: "They possess other houses in other provinces, where they live separate and far distant from one another; and, if I am not mistaken, they have lands annexed enough for their maintenance, and other conveniences of life. Then, some live in private families, where they act as chaplains and missionaries.<sup>3</sup>

<sup>3</sup> This seems to be a mistake of Mattingly's, originating in the circumstance familiar in our times, that the priest, when making a tour for missionary purposes, would take up his quarters here and there in private residences. In England, on the contrary, chaplaincies were a normal condition of the Fathers' life, and supplied the footing whence to operate as missionaries.

"Their farms and fields, whereof they are proprietors, would suffice to maintain a larger number of missionaries, were the administration in proper form. But, since the spiritual workmen are few, and they are continually taken up with evangelical ministries, they cannot apply their minds to temporalities. Hence it often happens that either the fields are badly tilled, or their produce is in great part wasted." To this Latin relation another hand added in Italian: "The Catholics of the two provinces of Maryland and Pennsylvania must be about 20,000. The exercise of religion in the first [*Maryland*] may be said to be free; in the second [*Pennsylvania*] it is entirely so." Clearly the scent of the old tradition about Maryland, Catholic and free, hung still about the faded flower, when it was long dried-up on its stem.<sup>4</sup>

There is a special value in this report. Though the relater was a Jesuit, the substance of the narration was only the recollection of what he had gathered as a boy in the lay atmosphere around; and what Catholics thought of the Fathers. It also shows the cast of mind in which the boy himself had been drawn to the Order. As to the range of stations which Mattingly noted for the two residences known to him, a similarly wide network of missions extended round every Jesuit residence.<sup>5</sup>

§ 228. As is clear on all hands, the Fathers not only supported themselves, but bore the expenses of divine worship, and of the

<sup>4</sup> Prop., *America Centrale*, i. ff. 608, 609; September, 1773.

<sup>5</sup> From old sermons, dating as far back as 1726, and from baptismal records, it appears that Bohemia Fathers attended to spiritual necessities in the following places, though some of them seem to date only from the nineteenth century: "Appoquinimink, Newcastle, Middletown, Georgetown, Taylor's Bridge, Smyrna, and in Sussex county, Delaware; at Elkton, Queen Anne, Chesapeake City, Tully's Neck, Queenstown, Kingston, Sassafras Neck, Sassafras Hill, Little Bohemia, Forest, Chestertown, Canal, Grove Point, Cecilton, Denton, Easton, Galena, Head of Elk, Railroad, Head of Bohemia, Head of Sassafras, Church Hill, and in other places situated in Dorchester, Caroline, and Kent counties in Maryland. . . . The Archives Room of Georgetown College contains a large and varied collection of vestments, altar furniture, chalices, etc., that were used at these missionary stations" (*Records*, xxiii. 117, 118, E. I. Devitt, "Bohemia").

Writing from Dover, in Kent on Delaware, the Rev. Mr. Bluett wrote to the secretary S.P.G., in 1748, that Quakers and Catholics buried their dead "at their own plantations"; and the Rev. Hugh Neill said in 1751 that there were in Dover five or six families of Papists, who were attended by a priest once a month from Maryland. (Perry, *Del.*, pp. 91, 97.) Immediately the usual plan of operations went into effect. Father T. Fulton, in 1753, purchased of Cain, and paid Mr. Lowber £42/15/4, for 100 acres lying in Kent on Delaware, in Motterkill Hundred, called Addition to Cavelridge. (Md.-N.Y. Prov. Arch.) Compare also Documents, I. No. 102, A: "A plantation in Newcastle Co., State of Delaware, now in the tenure of Con Hollohan" (1788).—On Delaware, cf. *Records*, i. 117-160, C. H. A. Esling, "Catholicity in the Three Lower Counties."

ornaments which appealed to the sense of propriety and beauty. All of them had enjoyed the advantages of a European formation, and of acquiring a taste to correspond. We may take it that, from Maine to Florida, the only specimens of anything approaching to art were to be found in the Catholic stations of Maryland and Pennsylvania. Amid the shocking bareness of Puritanism which had not a shred of imagination to clothe an idea with, nay, dubbed all religious art "idolatry," as it dubbed religious truth; and amid the royal lions and unicorns which exhausted the æsthetic sense in the adornment of Anglican churches, we can sympathize heartily with the Boston painter, Singleton Copley, who, on being received into the London Society of Artists, candidly explained <sup>Colonial</sup> that he was a self-made man; for in America he had <sup>barrenness.</sup> neither precepts, nor guides, nor models.<sup>1</sup> There was not a budding Iroquois sachem but showed more appreciation of art in a single paragraph of his nature-clad oratory, than was to be discerned in all ecclesiastical or imperial New York; which reached the last expression of figurativeness in Dongan's gift to the Iroquois castles—a set of lions and unicorns to put up. This elevation of imperial thought coincided in amplitude and expression with the ecclesiastical idea; which, having for its only vesture the very same artistic clothing of lions and unicorns, found expression in the rather magnificent terms of the Rev. Mr. Reading to the secretary of the S.P.G.: "I look upon the King's supremacy [*represented by the animals*] and the constitution of the Church of England [*nestling under the animals*] to be so intimately blended together, that, whenever the supremacy is either suspended or abrogated, the fences of the Church are then broken down, and its visibility is destroyed."<sup>2</sup> This blending, hedging, suspending and eclipsing, means that the lions and unicorns were necessary, and probably sufficient, to make the Established Church an existent thing, visible, and perhaps fair to see.

We have not many particular items on the æsthetic equipment of the chapels. There were artificial flowers. Father George Hunter wrote in 1760: "The box of flowers recommended to the

<sup>1</sup> P. R. O., 687, "Intercepted Letters." There is a bundle of Copley's letters. One letter to him from H. Caner, Friday, 10 o'clock (about 1770), is carrying on a great disputation between the two, whether a picture of Our Saviour and Apostles in Caner's possession is not a real Da Vinci. The happy possessor of the picture proposes to settle the dispute by confronting "the Peice together once more with Ruben's and Webb's description before us"; and then he is confident that "we should not only concur in opinion, but pronounce in favour of this Peice as the production of Da Vinci."

<sup>2</sup> Perry, *Pa.*, p. 483, Reading, Apoquinimick, August 25, 1776.

care of Mr. Russel [?] is come safe to hand"; and, writing to the benefactress at Gravelines, he said: "This returns due thanks for your obliging present of the sett of most handsome flowers, which are at length got safe to this far distant country, where they [are] admired exceedingly."<sup>3</sup> In 1768, Hunter entered the item: "Sept. 26. To Mr. Hesselius, for a picture of the Crucifixion, 5 pistoles: £4/2/6."<sup>4</sup>

Perhaps it was this same Crucifixion, which did so affect the parched soul of John Adams, on October 9, 1774. He had been to "grandmother church, I mean," said he, "the Romish chapel." That was St. Mary's, Philadelphia. "The dress of the priest was rich with lace. His pulpit was velvet and gold. The altar-piece was very rich; little images and crucifixes about, wax candles lighted up. But how shall I describe the picture of Our Saviour, in a frame of marble over the altar, at full length upon the cross, in the agonies, and the blood dripping and streaming from his wounds? The music, consisting of an organ and a choir of singers, went all the afternoon, except sermon time; and the assembly chanted most sweetly and exquisitely. Here is everything which can charm and bewitch the simple and ignorant." This was saying less than he meant. He too had been bewitched.<sup>5</sup>

The good gentleman, of course, had no notion of the remote distance whence this kind of ammunition had been convoyed, for the assault in America on minds simple or otherwise. We read in the London procurator's accounts: "1768, Oct. 7. To carriage of pictures from Bruges for Mr. [Father] Ritter [in Pennsylvania]: 5/-."<sup>6</sup>

In the midst of the forbidding simplicity which characterized colonial life, the structural enterprises of the Fathers seem to have attracted some notice. Kalm, a Swedish traveller (1748-1750) said of Philadelphia: "The Roman Catholics have in the south-west part of the town a great house, which is well adorned and has an organ." Another traveller, named J. Ferdinand D. Smyth, carried with him a supply of concentrated anti-Popery. After aspersing in proper form all the priests in Maryland with the essence from his

<sup>3</sup> Md.-N.Y., Prov. Arch., G. Hunter's *Letter-Book*, October 2, 1760; to Poyntz (procurator); to "Gravelines: Petra," that is, no doubt, to the abbess of the monastery of Poor Clares.

<sup>4</sup> *Ibid.*, carton DB., Hunter's 2nd day book.

<sup>5</sup> *Researches*, x. 51.—See *supra*, p. 507.—It is well known that the spread of Methodism was largely indebted to its singing and preaching—to music and rhetoric. These are two of the Muses; as droning and prosing are not.

<sup>6</sup> Engl. Prov. Arch., ledger B., p. 141.

vial, he extended his admiration to the situation and appearance of Father Hunter's manor house at St. Thomas's on the Potomac.<sup>7</sup>

Smyth's *asperges* from his vial has ever been a favourite kind of treatment extended to the name and memory of the Order—as all dictionaries testify. And, since the treatment has never ceased to be administered, we must assume that the honour of the Order has always remained bright enough to asperse.

§ 229. To the literature on slavery and our remarks in § 108 it devolves upon us only to add a few specific points, which concern slaves under the management of priests. The following note of Father George Hunter's, taken in the course of <sup>The care of</sup> ~~negroes.~~ a spiritual retreat (1749), begins and ends with the care to be taken of negroes :

“To the Greater Glory of God.

“Charity to negroes is due from all, particularly their masters. As they are members of Jesus Christ, redeemed by His precious blood, they are to be dealt with in a charitable, Christian, paternal manner; which is at the same time a great means to bring them to do their duty to God, and therefore to gain their souls.

“Much talk of temporals shews the mind too much bent upon such things, and therefore must be disedifying in persons of our calling.<sup>1</sup> Our discourses ought to be chiefly of the progress of our missions, how to make greater progress; how to serve God in a more decent, handsome, pompous manner, as a thing that helps to the interior, by striking an awe, respect and reverence; where and how greater good may be done, more conversions be made, what methods to be taken for the catechizing of children and negroes, as well as instructions for others by more familiar discourses, in lieu of formal sermons, which generally are not so beneficial as more familiar instructions.

“Rev<sup>d</sup>. Father George Hunter, Soc. Jes., of venerable memory, in his spiritual retreat at Portobacco, December 20, A.D. 1749.”

The copy, from which we take this, seems to have been written out fair by some one to frame and set up in evidence; as St. Augustine had hung up an admonition or two over his frugal dinner table.<sup>2</sup>

<sup>7</sup> *Researches*, xx. 135; from Smyth, *Tour in U.S.*, (London, 1784), ii. 179-188.

<sup>1</sup> Compare St. Jerome to Paulinus: “*Quem senseris tibi aut semper aut crebro de nummis loquentem, excepta elemosyna quae indifferenter omnibus patet, institorem potius habeto, quam monachum.*”

<sup>2</sup> Md.-N.Y. Prov. Arch., 1749.—The writing is that of a hand as shaky as that of the Fathers Neale or Ashton. The malarial agues and fevers of Maryland have

Coloured people belonging to Jesuits acquired in colonial parlance a peculiar status, as "priests' slaves"—a term which we suspect was "Priests' slaves." not complimentary to their efficiency. In fact, we find Brother Mobberley at the beginning of the nineteenth century indulging in a homily on the necessity of being severe; and apparently he had not the Fathers alone in view, but "the present white generation." Perhaps this was only an oratorical device for not seeming to instruct his superiors. Still the same benign principles of Christianity were common to the Jesuits and to their flocks. St. Paul had found it necessary to inform slaves that, if they were admitted to the franchise of the faith, they should not despise their masters on that account.<sup>3</sup> If we derive some of the items from papers later than 1773, that is only because the matter was identical or concordant with the spirit and policy of the period just passed.

The missionaries seem to have avoided the term "slaves." The names used were "servant men," "servant women," "the family," "creatures," "labourers," "negroes."<sup>4</sup> The *personnel* was divided into working hands and supernumeraries. The latter were the infants, the aged, and the infirm. The balance between the two classes gave only a little preponderance on the side of the workers. White Marsh, about 1764, had as many as thirty-six supernumeraries to only twenty-nine working hands.<sup>5</sup>

In the registry of births, marriages and deaths, it is clear that for priests the marriage question and the preservation of the family introduced elements of anxiety and disturbance. If the sacred natural right of marrying whom one chose had to be respected, and negroes belonging to different owners came to be joined in wedlock, the priest, if one of the owners, had it on his conscience not to let the family be dispersed. Thus Father Mosley's journal has it: "4 November, 1770. I married Jerry, a negro of ours, to Jenney, a negro belonging to Mr. Charles Blake, affected the manuscripts. The date, 1749, was two years after Hunter's arrival in the mission.

<sup>3</sup> 1 Timothy vi. 2.—Georgetown Coll. MSS., Mobberley's *Diaries*, p. 141. He records some lines in vogue:

Tender-handed, brush a nettle,  
And it stings you for your pains;  
Grasp it like a man of mettle,  
And as silk it soft remains:  
It's the case with common natures;  
Treat them kindly, they rebel;  
But be rough as nutmeg graters,  
And the rogues obey you well.

<sup>4</sup> Cf. *Documents*, I. p. 384.

<sup>5</sup> *Ibid.*, Nos. 46, 97; (1764), 1765.

but afterwards bought by us. *Test.*: Many negroes, both of ours and others, at St. Joseph's, Talbot Co., Maryland." <sup>6</sup> At a later date, Father Francis Neale at St. Thomas's Manor was in distress because, his best negro hand having been married to a negress of another household, he was under the necessity now of selling the man or buying the negress. The latter and her family were to be sold. "I cannot buy her," he wrote, "too much is demanded—\$500 for her and her three children; they are all girls, of which we have 10 or 12 already in our family. I shall be obliged to sell our man, not to separate man and wife." <sup>7</sup> But, as to selling negroes at all, and easing plantations of the great increase, Mobberley animadverted on another difficulty, that this meant sending "them to Georgia or the Carolinas, to become blind in the cultivation of rice, and lose those Christian principles which they may have imbibed." And yet he said in general terms: "Some plantations have an annual increase of 5 or 6 in number."

At home in the priests' hands, the negroes were really well treated. Only certain work, or certain limited hours of work were apparently the masters' due. As a mere instance, we cite the performances of Thom, one of Father Mosley's eight slaves: "1765, Oct. 25. To Thom for 200 chest-nuts, £0. 0. 8." Thom takes in a number of perquisites from his master, Mosley, for mauling rails, logs; for catching a peahen, etc. The eight slaves being half men and half women, Mosley entered the allowances for their respective wardrobes, in number of yards. The terms of such allowances were not strictly iron-bound. Thus he noted for 1766, December 24: "To Davy, 2½ yards of linen for a shirt extraordinary." There were some family touches in Father Beeston's ledger for Bohemia of a later date. After cataloguing the summer and winter regulation outfits of the men and women, he proceeded: "Children—as necessity requires. N.B. Blankets, when necessary." But there was a tone of severity in what followed. He defined, and seemed to be limiting the negroes' patches of land: "N.B. The dimensions of a negroe's patch in future shall be 100 yards long, and 40 yards from the fence of the field to which it joins. If he be a married man, *and his wife live on this plantation*, he shall be allowed a patch 200 yards in length, and 40 yards in breadth from the fence of the adjoining field; which breadth

The home  
conditions  
those of a  
villein.

<sup>6</sup> Father Gaffney's report, as *supra*, p. 554.—He explains a term of Mosley's about marrying "by note"; that this meant a written authorization for the marriage from the owner or owners concerned.

<sup>7</sup> Documents, I. No. 114, H; 1826.



shall never be increased on any account. If a married man has a patch of these last dimensions, his wife shall have no separate patch. No boy nor girl shall be entitled to a patch, till he or she is a full hand, with respect to work. The patches shall be made only in such places as the master shall appoint. If any one transgress these rules, he shall without fail lose his patch, and all title to any in future." From this we see that each negro hand was a little farmer on his own account, using the capital of his master to the extent of a French arpent, or five-sixths of an English acre. If, besides his wife, he had four children rated as doing full work, he would be in control of five English acres—quite a fortune in Alsace, Lorraine, or Belgium. The condition of the negro, at least in the hands of the priests, was superior to that of the Saxon or Norman serf, and about equal to that of the villein. So much land accorded to the negro for his use was much more than the early Roman republic allotted to its veterans, when sending them out to repose as *coloni* and found the Roman "colonies."

When Mobberley went to St. Inigoes, the labourers had only 1½ lbs. of meat a week—bacon, pickled pork, or corned beef. He allowed them 2 lbs. One peck of meal per week, "a little heaped," for each labourer, and each of the old people—half a peck for children—was more than they ordinarily used. With the surplus they raised poultry. Their "good garden," as Mobberley called it, being in extent proportioned to the family, yielded cabbages, cotton, etc., but especially sweet potatoes; of which latter 30 to 50 bushels, being ordinarily raised by a negro's family, brought in \$1.25, sometimes \$1.50 a bushel. "Each family generally raised 100, 150 or 200 chickens, which they sold at 25 cents each, seldom at a lower price. They were in the habit of selling some cabbages, and a great many eggs. They also, in defiance of authority, gathered oysters on Sundays and holidays, which they sold to ships, etc. The father of each family generally made from \$80 to \$100 per annum. This was clear gain to him, as he depended entirely on the manager for working clothes and provisions. Each labourer received from the farm for summer 2 shirts and one pair of trousers. For winter, 1 pair of double-soled shoes, 1 pair of stockings, 1 pair of pantaloons, and a roundabout coat, all made on the farm from the crops of wool and flax." Mobberley described also the women's wardrobe. Then he noted: "Hats and Sunday apparel they provided with their own funds"—which probably suffered considerable leakage here. "When sick, they were served with medicine from the house by the manager, and furnished

The slave's  
maintenance  
and glebe.

with sugar, tea, &c., if necessary. In extraordinary cases a physician was called in, and all possible attention paid them in their illness." With philosophical calmness the good brother reflected on another source of the negroes' affluence, as among the things which must be: "The negroes ought to be honest; but now and again Master must lose a pig, a sheep, a goose, a turkey, some tobacco, some corn from the field, and perhaps a little wheat from his granary, with a long list of *Et Coeteras*."

Mobberley drew a contrast between the lucky Pennsylvania farmer, not handicapped by slavery, and the lofty-minded Maryland planter, encumbered with his slaves. Among the burdens, <sup>The damage to economy.</sup> he noted that the "planter must pay the county tax upon every negro over 18 and under 45 years of age. Many of his negroes will be sick, and he must pay the physician a handsome sum." The Brother gave the results of his balancing accounts: "I formerly made a calculation of what the farm expended in the support of the blacks. The amount of that year was more than \$1,800. I repeated the calculation a few years later, and found that it exceeded \$2,000. I allowed a fair common price for every article, viz. bread, meat, clothing, house rent, gardens, firewood, etc., etc., descending to the smallest particulars." How large his family was, we do not ascertain. Some forty years before his date, this farm of St. Inigoes, consisting of 2000 acres, had twelve workers, and eight supernumeraries. But his conclusion was that five or six apprentice boys (indentured), and two or three strong men, would do better than the whole family of slaves—at least in Jesuit hands. Granny Sucky, who claimed to be one hundred years old, but really died at the age of ninety-six, told him that "she had had 23 masters, and that she never had had a bad one."

All this was at the one farm of St. Inigoes, which consisted of 2000 acres. It is no wonder that, when the Provincials Corbie and Dennett (1759, 1765) insisted that the superior, Father George Hunter, should raise a general mission fund of £200 per annum, Hunter with all his able management found difficulty in collecting that very moderate sum from the 12,677 acres of the Jesuit plantations in Maryland, with the Pennsylvania farms thrown in (620 acres at that time). This tax "for the publick good and procuring fresh supplies" of men must have come to only about 8 or 10 cents per acre annually.<sup>8</sup>

If the foregoing account does not flatter abolitionist ideas, possibly some items may. Whereas Father Mosley at St. Joseph's says only

\* Cf. Documents, I. Nos. 56, 57, 97, 106.

of cattle: "May 22, 1766. N.B. The creatures on this plantation of St. Joseph's are marked with slits in the right, and a cross in the left [ear?]," Mr. James Carroll of White Marsh, fifty years before, had it in his ledger: "*Laus Deo. Maryland. . . . [Some one's consignment of negroes, each] Marked I. L. on the right breast*"; again, each "marked on the left shoulder with the bowle of a tobacco pipe." Another item may be taken, for the last years of the century, from the papers of N. L. Sewall, whom we spoke of before. He purchased "one negro woman Cloe," as guaranteed to be "one of the Butler breed" (February, 1790).

On the subject of religion, Father Mosley answered a query about negroes in these terms: "The negroes that do belong to the [*Catholic* gentlemen of our persuasion are all Christians, and instructed in every Christian duty with care. Some are good, some very bad, some docile, some very dull." He thought it was want which made them so prone to thieving and lying; and the temper of their African blood, to sensuality. "The negroes of all other persuasions are much neglected, as you imagine; and few ever christened. . . . Negroes hire from 15£ to 20£ per annum, according to their age, health and strength; and sell from 100£ to 150£, according to above."

Though Father Mosley in this passage said that other persuasions neglected the negroes, times came when Brother Mobberley had another story to tell. Five ungovernable blacks had been sold by Father Henry at Bohemia, and were being despatched to the purchaser, when they were arrested at Centreville by a Methodist, who was at the same time a magistrate, a preacher and a storekeeper. His plea was that, according to the interpretation of a Maryland law recently passed, the blacks were being kidnapped. The end of it was that Mobberley, being sent as a special envoy to accommodate matters, and finding himself "surrounded by Methodists," said he, or, as he repeated, "surrounded by Quakers and Methodists," had to pay \$114 to "the pious Methodist gaoler" for all his trouble and expense; and "the Fathers, knowing that the Methodistic fever for protecting blacks, under the influence of the late law, was very high, and not being willing to give even a shadow of scandal to those pious souls, deemed it prudent to retain the blacks, and restore the money to the purchaser."<sup>9</sup> This preacher's

<sup>9</sup> Georgetown Coll. MSS., *Mosley Papers*, October 8, 1774, to Mrs. Dunn, Newcastle-on-Tyne.—*Ibid.*, Beeston's *Ledger* (Bohemia, 1790-1798), p. 28.—*Ibid.*, Mobberley's *Diaries* (1806 and later), i. pp. 21, 70 *seq.*, 82, 83, 111-117, 131-135, 189-141.—Md.-N.Y. Prov. Arch. D.B., Mosley's Day-Book, as in Documents, I.

operations were those of the bailiff's old "sponging-house," brought into the service of Abolition.

The results in domestic life of all the foregoing were sketched by the prefect apostolic, Father John Carroll, in his *Answer* to Smyth. He said: "'A priest's negro' is almost proverbial for one who is allowed to act without controul." As to the spirit of contentment with which the slaves lived and died in their dependent condition, he referred to some facts of the recent Revolutionary War: "During the late war, the British cruisers landed often at, and hovered almost continually off the plantations of the clergy; they pillaged their houses, they drove and slaughtered their sheep and cattle. What an opportunity for their slaves to desert from their cruel treatment described by Mr. Smyth! But how was the fact? While the negroes belonging to the neighbouring plantations were crowding aboard the British ships, those of the priests, 'tho' whipped and scourged and almost flayed alive' [*according to Smyth*], refused every invitation to go, and even force used to carry them on board. Of the whole number belonging to clergymen, two only were seduced away, one of whom took the first opportunity of returning. The rest either absolutely refused, or ran into the woods to prevent being carried of." <sup>10</sup>

No. 95, F.—*Ibid.*, Lib. C. C., James Carroll, f. 85 seq., slave business, 1718, etc.—Documents, I. No. 97, slaves at the farms, 1765.

Speaking of the West Indies, a well-known English priest, Peter Gandolphy, wrote to the Prefect of the Propaganda, Card. Litta (May 20, 1817): "Further, I think that our Protestant Government, to escape the fanatical preachers called Methodists, who preach to the negroes every kind of fanaticism, would put no obstacle in the way of the respectable missionaries of the Catholic Church. The fanatics are always preaching against slavery" (Prop., *Anglia*, 6, p. 1491).

Mobberley on the other hand, just after advocating severity in the treatment of slaves, proceeded to ten heads, on account of which "masters must answer for their slaves"; and he concluded: "In this life they are impoverished by keeping slaves; their lives are filled with cares and vexations; their prospects of happiness are marred; and, when they die, they lose all for ever. Who then would possess a slave?" (*Loc. cit.*, pp. 142, 148.)

The whole matter of the priests' slaves received the most ample consideration from the visitor, Father Peter Kenney, in 1820. With regard to severity, he said in particular: "At St. Inagoes, they are furious against B. Mobberley, nor can it be hoped that he can do good by remaining with them." (Statement to the consultors, pp. 11, 12, as referred to in Documents, I. No. 181, B.—*Cf. Ibid.*, C.)

<sup>10</sup> Georgetown Coll. *Transcr.*, *Answer* to Smyth (1789), Shea's copy, f. 8.—See *Researches*, xxii. 202, 203.—The Rev. Patrick Smyth had paid a visit to America, had done some pastoral work while enjoying the hospitality of the Fathers; and then, going home, wrote a book entitled, *The Present State of the Catholic Mission, conducted by the Ex-Jesuits in North America*. Though it was some fourteen years after the Suppression of the Society, there were practically none but ex-Jesuits on the ground; and Smyth had found too much Jesuitism there; and, worse than that, English Jesuits. Says Carroll: "Like a good Irishman, full of resentment for the evils his country has suffered from England, if he cannot withhold commendation from some Jesuits, he will take care not to bestow it on English Jesuits. The writer of these sheets owes as little favour to Britain as Mr. Smyth; but he owes great respect to truth" (*loc. cit.*, f. 9).

## CHAPTER XVIII

### QUESTION OF A CATHOLIC BISHOPRIC, 1756-1773

- § 230. Broaching the question of a bishopric for Maryland-Pennsylvania : 1756.  
§ 231. West Indian origin of the question. § 232. Montserrat and Ste. Croix : 1740-1752. § 233. London and the Montserrat jurisdiction. § 234. The Propaganda on the London claim : 1756. § 235. Antecedents of faculties for English America : 1633-1710. § 236. Misconceptions in Rome : 1715. § 237. A jurisdiction by accident : 1721-1756. § 238. The Maryland laity's protest against innovation : 1765. § 239. Bishop Briand and Confirmation for English colonies : 1771-1773. § 240. Father Hunter in Quebec : 1769. § 241. Suppression of the Society of Jesus : 1773. Views.

**Manuscript Sources :** Archives S.J., *Anglia, Epistolae Generalium ; Anglia, Historia*, iii. ; *Catalogi ; Maryl. Epist.*, 1, i.—(London), English Province Archives, Thorpe's *Extracts ; Roman Letters*, ii.—Public Record Office, *America and West Indies ; Board of Trade ; Colonial Correspondence, Canada (Quebeck) ; Entry-Books*.—(Rome), Propaganda Archives, *Acta ; America, Antille*, i.-iii. ; *America Centrale*, i., ii. ; *America Setentrionale, Canada*, i. ; *Anglia*, iii. ; *Missioni, Miscellanea*, i., v. ; *Udienze di Nostro Signore*, 1804.—Stonyhurst MSS., A. iii. 15, *Thorpe's Letters ; A. v. 1*.—Georgetown College *Transcripts*.—Maryland-New York Province Archives, L. 1, and *passim*.—Quebec Diocesan Archives, 1773.

**Published Sources :** Hughes, *Documents*, I. Part i. of this series, *History S.J.*—*Annales de la Société des soi-disans Jésuites*, iii.—Brady, *Episcopal Succession*, iii.—*Compendium Privilegiorum et Gratiarum S.J.*—Delplace, *Synopsis Actorum S. Sedis in causa S.J.*—De Martinis, *Jus Pontificium de Propaganda Fide*, iii.—Foley, *Collectanea ; Records*.—Hughes, "London Vicariate Apostolic and the West Indies" (*Dublin Review*, cxxxiv.) ; "Maryland Marriage Question" (*American Ecclesiastical Review*, xxvi.) ; "The Sacrament of Confirmation in the Old Colonies" (*Ibid.*, xxviii.).—O'Brien, *Memoirs of Edmund Burke* (Nova Scotia).—Propaganda, *Collectanea*.—*Researches*, xii., xiii., xxi.—Shea, *History of the Catholic Church in U.S.*, ii.

IN the middle of the eighteenth century the Vicar Apostolic of London was exercising a jurisdiction over Anglo-American colonies,

both West Indian and continental. Bishop Challoner suggested to the Propaganda, in the year 1756, that one or more vicars apostolic ought to be appointed in America itself. He considered that this would be a more compendious system than pretending to govern from London so distant a country, and failing the while to administer the Sacrament of Confirmation.

At the moment when the bishop first made this proposal, he was answering a question of the Propaganda, by what right the London vicariate was exercising any jurisdiction at all in America. The case as stated in Challoner's reply was found, upon examination in Rome, to have no basis. The documents available nullified the claim of London to an American jurisdiction. The general antecedents likewise, which we sketch from 1633, discredit the assumption. At the same time, the antecedents show the very innocent manner in which the London jurisdiction had begun with a colourable title. The end of the discussion was, that the Vicar Apostolic of London, hitherto without authority for acting in American affairs, received for the purpose sexennial faculties to be renewed in the future. They were renewed, until an American prefecture apostolic was founded in the person of John Carroll, priest, with the faculty of administering the Sacrament of Confirmation.

In 1765, while Challoner was persistently advocating the substitution of an American bishopric for his own relief, the laity of Maryland heard of the proposal, and protested emphatically. They were suffering enough from persecution till that very day; and they wanted no fuel of so combustible a nature to be thrown upon the fire.

§ 230. At the very time when it was so painfully realized in Maryland that the colony was no place for a Catholic population, a new circumstance came to aggravate the situation. It was being proposed somewhere that a Catholic bishop should be sent over to America. In 1765, the Maryland gentry seem to have thought that the proposal was new. At that date it was nine years old. They imagined that it originated in Rome. It had its origin exclusively in London. In 1756, Bishop Challoner wrote to the Propaganda: "Some have wished, considering the number of the faithful, especially in those two provinces [*Maryland and Pennsylvania*], destitute of the Sacrament of Confirmation and lying at so great a distance from us, that a bishop or vicar apostolic be appointed for them."<sup>1</sup> This first proposal, at

Proposal of a  
Catholic  
bishop for  
America, 1756.

<sup>1</sup> Georgetown Coll. Transcr., 1756-1766, "MSS. Archives of the See of

the instance of "some" persons, was made only four months after the violent agitation of 1751-1756 had culminated in the law taxing Catholics doubly, and at the very same moment when the Jesuits, Beadnall and Bennet Neale, were being arrested by sheriffs and brought to trial, as clerks and priests of the Church of Rome.

Still less did the Catholics of Maryland conceive how far the design had matured during nine years. In February of the year 1765, Bishop Challoner acknowledged the grateful news from Rome, that two or three vicars apostolic were in contemplation; and in May he urged that the design should be carried into effect.<sup>2</sup>

When the Maryland Catholics heard of this, they knew perfectly well that they themselves had never been asked for an opinion in the matter, and they seem to have been correct in presuming that the Jesuits had never been consulted. It is true that, at this time, the superior of the mission, Father George Hunter, passed over to England on several occasions;<sup>3</sup> and that to this period we must refer a faculty for administering the Sacrament of Confirmation—a faculty which, having been conferred on the missionaries of the Society by Benedict XIV. in a series of acts (1751-1753), was communicated to the superior of Maryland.<sup>4</sup> Whether any reference was made to Hunter for

Confirmation:  
the power  
already  
granted.

Westminster," copies; "J. Fisher" (Challoner), September 14, 1766, to his agent in Rome, Stonor, for the Propaganda.

<sup>2</sup> Georgetown Coll. *Transcr.*, February 15, 1765: "What you add of settling 2 or 3 VV. AA. in that part of the world is an object that certainly deserves the attention of our friends [*the Propaganda*]." May 31, 1765: "I hope our friends there will not drop the project of settling some Ap. Vic. in those parts you speak of."

<sup>3</sup> George Hunter was first sent to Maryland in 1747 (Foley, *Collectanea*, s.v.).—The Provincial Corbie gave him letters of obedience again, April 10, 1757 (Md.-N.Y. Prov. Arch., carton A; a modern note).—Corbie's original letters of obedience for G. Hunter and J. Kingdon bear date, April 8, 1759 (*Ibid.*, portf. 8). Cf. Documents, I., No. 71.—For transactions of Hunter in London, 1770, see Documents, I., No. 72.—Cf. *infra*, Appendix F, No. 114.

<sup>4</sup> J. A. Grassi, *Memorie sulla Comp. di Gesù, ristabilita negli Stati Uniti*, p. 6. He says in his text: "In view of the very great distance from any bishop, the Holy See has granted extraordinary faculties to Jesuit missionaries, and at certain times even that of administering the Sacrament of Confirmation to the faithful living in those far-off regions"; to which he adds this note: "*Nella Sacristia della Residenza di S. Tommaso presso Portobacco vidi nel 1812 una patente per tale facoltà*"; that he saw the patents for such a faculty in the sacristy of St. Thomas's Manor (Archives S.J., *Maryl. Epist.*, 1, i.; cf. Documents, I. No. 135, A, note 6). It seems clear that Grassi did not mistake the faculty, which John Carroll, priest, received on being appointed prefect apostolic. He is speaking of special patents without reference to a prefecture apostolic. Moreover, Carroll after his return from Europe (1774) never lived at St. Thomas's, nor in any residence with the ex-Jesuits. His abode was with his mother at Rock Creek, whence he moved to Baltimore. St. Thomas's had been the headquarters of the Maryland superiors.

As to the Holy See's action, by which it conferred on missionaries of the Society the power of administering Confirmation, a series of formal briefs from Benedict XIV. directed chiefly to Ignatius Visconti, General of the Society, we find to be as follows: For superiors in the Province of Goa, September 8, 1751, *Praeclara religiosarum virtutum*; for the missionaries of the Province and prefecture of Quito, same date,

advice, we cannot say; nor whether it was ascertained by the vicar apostolic in London that the Jesuit superior in Maryland had received the power of administering Confirmation. Certainly the documents of Benedict XIV. granting this power for use by the missionaries of the Order were public property.

For the rest, the bishopric question suddenly launched upon the Maryland Catholics from London was a West Indian issue—to reform those islands, to obtain a footing for the bishop somewhere near to the islands, to secure a maintenance for him, and therefore, as a consequence in logic, to find a settlement for him on the mainland, in the flourishing mission which Challoner always spoke of with commendation, that of Maryland and Pennsylvania, with Virginia and New Jersey.<sup>5</sup>

The American bishopric a West Indian question.

*Non solum propter*; for the superiors of the latter with power to delegate, September 24, 1751, *Nuper nos ad te*; for the missionaries of the American islands, Martinique, Guadeloupe, and others under French rule, July 24, 1752, *Immensa Jesu Christi*; for the missionaries of the Philippines, Mexico, Peru, Chili, Paraguay, and New Granada, March 2, 1753, *Quo luculentioribus*; for Brazil and Maranhão, March 3, 1753, *Quo luculentioribus* (Delplace, ii. 474-476). Similar powers of administering Confirmation were conferred in 1752 on Capuchins; and in 1754 on Carmelites.—Cf. de Martinis, iii. 508, 515, 558. *Ibid.*, may be seen most of the Pontifical briefs for the Jesuits, as just cited; scil. iii. 461, 463, 513, 520, 522.

<sup>5</sup> Challoner, August 2, 1763, to the Cardinal Prefect: "*Sed illud dolendum, quod plerique Catholici istarum insularum de religione minime solliciti esse videantur; et, si quando possint, nolint missionarium apud se alere et sustentare.*" This Challoner says of all the British islands, from Newfoundland down to Jamaica, taxing the Catholics with a total lack of spirit to support missionaries, and crediting hardly any of the islands with toleration of the Catholic religion: "*Cujus exercitium in sola fere Montis Serrati insula toleratur, ubi tres sunt hoc tempore missionarii, natione Hiberni, sed facultates a nobis habentes.*" On the other hand, he describes with eulogy the mission on the mainland: "*In Pensilvania et Marilandia liberum est religionis exercitium; et Jesuitae, acceptis a nobis facultatibus, illic valde laudabiliter missiones exercent. Sunt autem duodecim circiter missionarii in Marilandia, et, ut aiunt, sexdecim circiter, comprehensis liberis, Catholicorum millia; in Pensilvania autem circiter sex aut septem millia sub quinque missionariis. Ex his nonnulli etiam in vicinas, hinc Jerseyae, illinc Virginiae provincias excurrunt, et Catholicis illic degentibus clam Sacramenta administrant*" (Prop., *America Centrale*, i. ff. 290, 291.—*Ibid.*, *America, Antille*, ii. ff. 24, 25). This estimate, repeated by him, March 15, 1764, is about all we have from Challoner on the mission and the efficiency of the Jesuits. (*Ibid.*, *Antille*, ii. f. 29<sup>v</sup>.) It is reported by Challoner's agent to the Propaganda in a general Report (1764): "*Ragguaglio dello stato della religione Cattolica nelle colonie Inglesi d'America*" (*Ibid.*, *America Centrale*, ii. ff. 288-298). This, we observe, gives in eleven sections the substance of Challoner's letters during eight years previously. (Cf. Georgetown Coll. Transcr., September 14, 1756, October 31, 1758, June 11, 1762, November 23, 1762, August 2, 1763, September 6, 1763, March 15, 1764, August 28, 1764.)

It is quite in another vein that Challoner enlarges on the desolate state of the British islands, where he has only one man to rely on, Fra Benjamin, a Capuchin. The Roman agent sums up in general Challoner's plea for relief, and the substitution of some other bishop or vicar apostolic in his stead. The reasons are that the Vicar Apostolic of London cannot give to those parts the attention due: "The great distance of those provinces from his abode in London does not permit him to visit them in person. Hence he cannot have the necessary information to know abuses and to correct them; he cannot administer the Sacrament of Confirmation to those faithful, who remain totally deprived of this spiritual aid; he cannot provide ecclesiastical ministers, partly for the same reason of distance, partly for the want of means to meet that expence." But in this Report the agent does not resume so



But, in the conception of this plan, there was not merely a deficiency of information on the politico-ecclesiastical situation of the colonies.

**Mistaken assumptions.** There were several mistaken suppositions. The Vicar Apostolic of London seems to have thought, on the subject of temporalities and the prospective maintenance of a bishop, that the Jesuits in America were supported by the faithful whom they served; also that there was a secular clergy somewhere in the colonies. He wrote of his plan to have a bishop or vicar apostolic appointed: "It may not be relished by those [*the Jesuits*] who have engrossed that best part of the mission to themselves" (September 14, 1756). This implies, not only that there had been something good to "engross," but also that some other clergy was there in expectancy of obtaining a right of entry. The same idea of a colonial secular clergy having been in existence had vogue in America itself, some half-century after Challoner's time; and even in our own time, a century and a half later.<sup>6</sup>

distinctly what he had presented of Challoner's letter, dated March 15, 1764; that, in case Quebec were provided with a bishop or else with a vicar apostolic, "I should be extremely pleased," said Challoner, "if the Sacred Congregation charged that Bishop of Quebec, or at least a vicar apostolic, with the care and inspection of our other colonies." In the same letter, drawing a sharp contrast between 1<sup>o</sup> the flourishing condition of the Maryland-Pennsylvania mission, and 2<sup>o</sup> the state of the islands, Challoner begins this latter paragraph thus: "2<sup>o</sup> *Lo stato della religione nelle isole Inglesi è veramente deplorabile.*" Challoner's agent, preserving in his Report or "*Ragguaglio*" the substance of the foregoing, gives rather another turn to Challoner's suggestion about the bishop or vicar apostolic of Quebec: "A vicar apostolic being sent thither [*to Quebec*], it would be proper to extend his jurisdiction over the neighbouring provinces of Nova Scotia and Acadia," because the Catholics there must be French; and then, further on, adducing the general reasons just given for episcopal supervision over the colonies, he reasons on behalf of Philadelphia as the residence of a vicar apostolic for "the other English colonies and islands" (*loc. cit.*, §§ x. xi.).

In these Challoner-Stonor papers for the use of the Propaganda, the acquaintance with politico-ecclesiastical affairs is vacillating, sometimes truer at the beginning than at the end, at other times *vice versa*. Thus, September 14, 1756, Challoner wrote that in Maryland and Pennsylvania, "the exercise of the Catholick religion is in some measure tolerated." On August 2, 1763, he wrote that it was "free, *liberum est religionis exercitium*." Then, in a paper written to the agent about July-August, 1774, he gave a description of absolute toleration in Pennsylvania, concluding thus: "Consequently in this province Catholics are not in a worse condition than other people, have public churches and live in perfect peace" (Stonyhurst MSS., *Anglia A.*, ix. doc. 140, *post med.*, Stonor's Italian translation, without signature). This does not agree with the account of Father Farmer (1773), who was resident in Philadelphia. See *supra*, p. 183. At the same time, however, Challoner registered an important piece of information which, if duly weighed by him at an earlier date (cf. *infra*, p. 592; 1765), would have put a check to the whole proposal of a Catholic bishopric. Speaking of the Anglican clergy in America, placed under the jurisdiction of the Bishop of London, he said: "The matter has often been mooted of establishing there one or two Protestant bishops; but the proposal has always encountered such difficulties, that it has always been thought requisite to put the matter off to another time" (*Ibid.*). See *supra*, §§ 163, 164.

<sup>6</sup> See Documents, I., No. 181, p. 904, note 34.—*Infra*, p. 596, note 6.—Nine years after the foregoing statement, Challoner presented the case otherwise; not that the "*Padri*" were keeping an existing clergy out of their livings, but that they would object to any solitary stranger being intruded into the country. Speaking of

§ 231. Before we come to the protest of the Maryland Catholics, who represented that the appointment of a bishop would be an aggravation of their political grievances, we must trace the events in order, and show the path by which the proposal came round to them from circumstances in the West Indies. This will introduce several elements of no small historical value; not least, the colour of the title by which the London vicariate apostolic was found to be exercising jurisdiction on the American side of the ocean.

When the effort was made to found a French bishopric in the West Indies (1652-1663), as recorded by us in another place,<sup>1</sup> there existed already, from 1651, a Jesuit prefecture apostolic in those parts.<sup>2</sup> The faculties of the prefect were those "of the Fourth Formula, communicable, as usual, to his subaltern Religious." On the same general territory, but in different districts, there were formed Dominican, Capuchin and Carmelite prefectures.<sup>3</sup> In 1731, the Jesuit prefecture was divided

The Jesuit  
prefectures  
apostolic in  
the West  
Indies.

the two or three vicars apostolic projected for America, he says of the plan: "I foresee the execution of it will meet with very great difficulties, especially in Mariland and Pensilvania, where the Padri have had so long possession, and will hardly endure a p[riest], much less a B[ishop] of any other institute. Nor indeed do I know of any one of ours that would be fond of going amongst them; nor of any one that would be proper for that station, who could be spared by us in our present circumstances" (Georgetown Coll. *Transcr.*, 1756-1766, MSS. Arch. Westminster; February 15, 1765). Such an intrusion would have been a direct violation of the Propaganda's fixed policy in the establishment and conduct of missionary prefectures at the time. Regulars were governed by prefects apostolic of their own orders (cf. following note 8). An ecclesiastical superior with the episcopal character would have been a complete anomaly in America, as in any other part of the world, if being a regular he had no members of his own Order, or being a secular he had no secular clergy, nor a church of his own, nor seminary, nor school.

<sup>1</sup> History, I. 299, 307.

<sup>2</sup> Cf. *Ibid.*, 298; Father John Hallé being superior. The petition there cited notes that the same grace was asked for Canada. At that time, Father Ragueneau was superior in Quebec (1650-1658).

<sup>3</sup> Prop., *Acta*, October 1, 1731, f. 505, report of Cardinal Altieri on dividing the Jesuit prefecture into three.—*Ibid.*, *Antille*, i., f. 811; 1724: the prefectures of four Orders in the West Indies.

Cf. Schmitt, col. 193, 265, 289: In 1640 and thereabouts, the missions of Martinique, Guadeloupe, St. Christopher, were founded; in 1651, that of Cayenne (Guyana); in 1652, that of St. Vincent, and finally of San Domingo in the French part (Haïti). In 1705, the spiritual administration of the island San Domingo was entrusted to S. J. For 1718, is recorded the death of Father Thomas Crevilly, S.J., "during 33 years a very celebrated missionary in the island of Cayenne."

Cardinal Altieri observes that, in 1664 and 1670, two superiors S.J. were made prefects, for South and North America respectively, "*in dette isole*," that is, in the West Indies. He does not know why. Afterwards till the present date (1731), only one superior has been presented for the faculties. He does not know the reason of this either. But the matter seems plain. The South and North America in question were the West Indies and Canada. And the faculties granted (to Jerome Lalemant) in 1664, (to Francis le Mercier) in 1670, did not need renewal in that form, since Canada had its own bishop, in the person of Mgr. Laval. (Cf. History, I. 302, note 25; also *infra*, p. 537, on Francis le Mercier, for 1677, when he was superior in the West Indies.)

The coming and going of priests, whose ships touched at the islands, introduced a modification in the extent of the prefect's jurisdiction, which at first had been

into three, because of the distance between the islands, and the difficulties encountered in passing to and fro by sea. The new division gave to one prefect "the island of Cayenne," and adjoining territories, or new Cayenne, that is, the French, Spanish, English, Danish, Carib continental "Guiana"; to another, the island of San territories. Domingo; and to the third, Martinique, with St. Christopher, St. Vincent and Guadeloupe. But no express provision was made for other islands, and least of all for the English, Danish and Carib possessions. The Jesuit prefects being at a loss to fix the responsibility for these parts were authorized by the Sacred Congregation to settle the matter among themselves (1736); and, when they had done so, the Propaganda in 1740 approved of the distribution, by which the island of Tortuga was attached to San Domingo; "the island Guiana" to Cayenne; and all the French Antilles, as well as the Carib, English and Danish islands were annexed to the prefecture of Martinique.<sup>4</sup> As to the Danish and Leeward Islands, the extension of jurisdiction was qualified with the clause:

restricted to subordinates, or "subalterns" of the same Order. In the request for faculties, 1664, on behalf of the Jesuits, Grillet in the West Indies, Jerome Lalemant in North America, Bevon (Besson, Bresson) in Persia, Nicolas of St. Genevieve in Greece, one power asked for concerned secular priests, that these prefects might communicate faculties "to the secular priests, when called to aid the Fathers." But the secretary of the Propaganda objected that such a thing had never been done; and he spoke of the secular priests as not being "subordinate to the prefect." So nothing was done then. (Prop., *Acta*, February 4, 1664, 15<sup>o</sup>.) There seems to have been a mistaken conception here. Marine chaplains, for instance, were not only not subordinate, but not even resident. The secretary's objection was probably irrelevant. But, at a much later date, Benedict XIV., August 7, 1747, authorized the Jesuit prefects apostolic of South America to use the services of marine chaplains, and of secular or regular priests who might come, if such persons were approved by their Ordinaries. This faculty, given for a sexennium, was renewed, May 28, 1754. But important restrictions were added, in view of a representation from a Jesuit prefect in the French West Indies. Abuses having occurred in the way of admitting such wayfarers to the local exercise of the ministry, under the cover of some privileges that were claimed by other persons than the prefect, and besides some such persons having been distinctly undesirable, "*presbyteri vagi*," all action in every case was reserved strictly to the prefect concerned. (Vatican Lib., *Vat. Lat.*, 8064, ff. 191-211, 279-281; May 6-28, 1754. The summary, ff. 279-281, is by Cardinal Tamburini.)

<sup>4</sup> Two different islands of St. Dominic are carefully distinguished in the Propaganda archives (*Antille*, i., ff. 381, 382). The first is the "greatest" island, Hispaniola (San Domingo). The other is the "smallest" of the Antilles (Dominica).

Carrez distributes the French Jesuit missions in the Antilles as follows, "R" signifying a residence: 1. Islands of St<sup>e</sup> Croix, St. Martin, St. Christophe, La Guadeloupe (Basse Terre, R), 2. Island of Martinique, St. Pierre (R), Bourg du Prêcheur (R), B<sup>e</sup> du Carbet (R), B<sup>e</sup> de la Case Pilote; they administered the parishes of colonists about St. Pierre, and they instructed the Carib natives. 3. Islands of St. Vincent, and Haïti, which latter is the French part of the Island of San Domingo. In this part they had fifteen parishes: Le Cap Haïtien, Port de Paix, St. Louis, Le Gros-Morne, Plaisance, Le Limbé, Plaine du Nord, Petite Anse, Quartier Morin, Le Dondon, La Limonade, Les Terriers Rouges, Château-Dauphin, La Lude, Le Franc. 4. Thence they penetrated into Terra Firma, at Paria (South American continent, adjoining Trinidad). (Carrez, *Atlas Geographicus S.J.*, Map No. 22.)

"Provided there are not on the ground other missionaries legitimately appointed; and the prefects are to use their faculties cautiously."

In 1752, twelve years after this delimitation of authority, it was found that the exercise of jurisdiction by the Jesuit prefect of Martinique had undergone a modification in two ways. First, he no longer used his authority except in the French and neutral (Carib?) islands, the Danish and English being left aside; and Ste. Croix, a French island, had by purchase become Danish, some seventeen years before. Secondly, "after the English took possession of the Leeward and Carib islands, the French of Martinique having thought fit to superintend <sup>Intervention of an English authority.</sup> the Irish missionaries who had come there, they were opposed by the vicars apostolic of England"; and the reason, as reported, was that "without any counter-claim from any other nation, or without a specific decree of the Holy See, they [*the said vicars apostolic*] did communicate to the aforesaid Irish missionaries the customary faculties and privileges of missionaries." So, in 1752, the Propaganda had occasion to observe, but did not take cognizance of the fact, that the London vicariate apostolic was exercising jurisdiction on the other side of the ocean.<sup>6</sup>

It was in the same year, 1752, that Benedict XIV. by special brief empowered the Jesuit prefects of the West Indies to administer the Sacrament of Confirmation.<sup>7</sup> The general equipment of faculties conferred on the same authorities by the Propaganda was that conveyed under the name of the "Fourth Formula"; and, excepting certain episcopal functions, it was substantially the same as that of the First Formula for bishops in the Indies East and West, in North America, in Asia <sup>Extent of the Jesuit prefect's powers. Confirmation.</sup>

<sup>5</sup> *Avendo i Francesi della Martinica preteso . . . di visitare i missionarj Ibernese.*

<sup>6</sup> Prop., *America, Antille*, i., f. 811; 1724.—*Ibid.*, f. 484; "1760, circa."—*Ibid.*, iii., f. 805, *s.d.*, where the Capuchin prefecture is not mentioned; and the general observation is made: "In the said islands, as also in their neighbourhood, there is no bishop, so that the said missions are not assigned to any diocese."—*Ibid.*, i., f. 874, the procurator of the West Indian missions, De Sacy, S.J. (Paris), March 24, 1744, to the General, makes the observation for the Propaganda, that the French "islands are administered in spiritual matters by regulars alone, who however live under the obedience of their superiors"; and that, having no bishops, "they depend immediately on the Apostolic See, from which the pastors of an inferior order [*the prefects*] borrow the power invested in them."—Prop., *Acta*, September 26, 1740, 20<sup>o</sup>, history of the French S.J. prefectures.—*Ibid.*, September 18, 1752, 17<sup>o</sup>, relation of Cardinal Orsini on the petition of Nicholas Tuite with respect to Ste. Croix; f. 232<sup>o</sup>, on "the Vicars Apostolic of England."

The French islands in question were Martinique, St. Christopher, Guadeloupe, St. Vincent, Dominica, Mariagalante, Granada, Jalouisie, St. Bartholomew, St. Martin, besides several smaller ones; also San Domingo and Cayenne. Compare *History*, I. 151, note 14, for a fuller list of the smaller Antilles.

<sup>7</sup> *Supra*, p. 568, note 4.

and Africa. Besides these powers, the Jesuit prefects had the apostolic faculties communicated to them directly by the General of the Order.<sup>8</sup> Thus, for the internal tribunal of conscience, as well as for the external government of their missions, they were amply provided with powers; which, as far as derived from the Propaganda, had to be renewed every fifteen years. Meanwhile, as mere local superiors of the Jesuit mission, the prefects were being placed and replaced by the General of the Order.

How this system of ecclesiastical organization affected the bishopric question of the Maryland-Pennsylvania mission is obvious. In 1753, the system was complete and in vogue from the province of Goa in Asia, covering all Latin America westwards, and reaching the Philippines again in Asia.<sup>9</sup> Confirmation itself was administered all over the world by these prefects apostolic, not one of them a bishop. The exclusively Jesuit mission in North America need only have been made a prefecture apostolic. Or, if it was still kept part of the London vicariate, its superior need only have been allowed to exercise the missionary faculty of imparting the Sacrament of Confirmation. This solution the Propaganda itself suggested to Challoner, as we shall see. Yet ostensibly, with so obvious a solution at hand, it was always on the issue of Confirmation being needed, and of a bishop being needed to administer Confirmation, that the question of a bishopric for Maryland-Pennsylvania was kept in agitation during some eighteen years.<sup>10</sup>

<sup>8</sup> Cf. *supra*, p. 85, note 8.

<sup>9</sup> *Supra*, p. 568, note 4.

<sup>10</sup> Twelve years after the foundation of the Propaganda, several schedules or Formulas of faculties were elaborated in the course of four years (1634-1638), for use with bishops, prefects, and missionaries apostolic who depended on that Sacred Congregation, and also for the purpose of "equalizing" the powers of regular missionaries with those of its missionaries apostolic, in localities where both kinds of priests were working in the same field. The limitation was introduced by apostolic authority that in such a case the regulars should not use their more extensive faculties. (Cf. *supra*, p. 85, note 8.) The first and fourth of the Formulas were most ample, being for bishops and prefects in the far-off countries; and the Propaganda remarked incidentally: "The fourth Formula, which, in general, is like the first" (*Acta*, 12; August 12, 1636, f. 148). The second was for bishops in parts of Europe subject to the Turks and the like. The third was for nuncios in parts of Europe infected with heresy, and for the bishops of England, Ireland, and the Low Countries, as well as for the Guardian of Jerusalem. A fifth Formula contained minor faculties for missionaries apostolic, viz. those commissioned by the Propaganda. (*Ibid.*, 10, ff. 79<sup>v</sup>-83<sup>v</sup>, 309<sup>v</sup>-311<sup>v</sup>; 12, ff. 51-56<sup>v</sup>; 1634-1636.) In later times these five Formulas have been increased to eight or ten.

A fundamental reason why regulars had such ample powers is mentioned, that the authority of the Apostolic See is chiefly maintained, in distant parts especially, through the administration of regulars: "*ratio conservandae, maxime in locis distantibus ab Urbe, Sedis Apostolicæ potestatis, quod per regulares fieri solet*" (*Ibid.*, 12, f. 50). The extent of their powers may be inferred from a remark, that, by the bull *Omnimoda* of Adrian VI., regulars do in the matter of dispensations what the Roman Pontiff is not wont to do: "*Quid agendum de facultatibus, quas habent missionarii*

§ 232. Father James Galloway<sup>1</sup> of the Irish province had been granted, in 1699, to Father Garganel, superior of Martinique, evidently for the service of the English-speaking, chiefly Irish, population in the West Indian islands.<sup>2</sup> In 1740–1743, Father James Lancaster or Le Motte of the English Province was registered for Montserrat; but, in consequence of a conversion which he made there, he fled to the headquarters of the French mission in Martinique. It may be observed that this incident coincides in date with the beginning of what we described above, the furious anti-Popish agitation in the four Leeward islands of Montserrat, Nevis, St. Christopher and Antigua (1744–1753).<sup>3</sup> After having offered himself to the General for the Malabar missions, Lancaster was registered in the following year (1744) for Maryland; three years later for Canada; in 1749 for Montserrat again; whence he was transferred to Loretto in Italy.<sup>4</sup>

Jesuits in the  
Leeward  
Islands, Ste.  
Croix and  
Demarara.

*Indiarum a Bulla [Omnimoda] Adriani VI., per quam in materia dispensationum faciunt quae Romanus Pontifex non solet facere?*” (*Ibid.*, 12, f. 105.) A principle of limitation in according the faculties of the two first Formulas for bishops is noted, that the measure is determined by the necessities of the dioceses: “*Quod facultates praedictarum formularum non eodem modo singulis Episcopis erunt concedendae, sed juxta episcopatum et dioecesium necessitates; nam si ex relationibus . . . constiterit aliquos episcopatus non indigere omnibus facultatibus in dictis formulis contentis, in concessione earum relinquendae erunt, quae non erunt pro illis episcopatibus necessariae*” (*Ibid.*, 10, f. 88v.—*Cf. Prop., Collectanea*, p. 63, § 147). Hence it resulted that bishops in the Indies, not being provided with such faculties as the Jesuit missionaries possessed, were declared to be invested with sufficient power, if the missionaries were at hand, and lent the Ordinaries their aid as assessors: *Ipsis vero Ordinariis e contra, ubi presbyteri praefati adsunt, vel eorum commode haberi potest copia, de eorum tanquam adjutorum et assessorum suorum consilio, et cum illis . . . licentiam et facultatem . . . concedimus.*” (*De Martinis*, i. 112, 113, § 6, Urban VIII., September 15, 1629; and *passim*.—*Cf. Ibid.*, ii. 454, Clem. XII., September 9, 1734; iii. 510, 511, Bened. XIV., May 20, 1752; *cf. Ibid.*, 678, note 4.)—*Cf. supra*, p. 85, note 8.

The Protestant canonist of Rostock, O. Mejer, infers that, with such privileges, the Jesuits in foreign missions had little need of bishops: “*Bedurften sie auch, bei ihren grossen Missions-Privilegien, der Bischöfe wenig*” (*Mejer, Die Propaganda*, i., 65.—*Cf. History*, I. 135, note 16). But the professor did not observe the reason for such an equipment of faculties as, said he, made bishops unnecessary. The reason was, that the prime necessity of remote missions was not bishops, but missionaries, in the first place and above all. For a time so late in history as forty years after the United States had supplanted the old colonies, the second Archbishop of Baltimore, Leonard Neale, said of the American Republic itself, that what it needed was rather missionaries than bishops (December 20, 1816): “*Res in praesentiarum magis videtur requirere missionarios quam episcopos.*” See *Documents*, I. (ii.), p. 1012, note 8.

<sup>1</sup> Galloway, or Mullins.

<sup>2</sup> Foley, *Collectanea*, s.v., ‘Galloway, James.’—*Ibid.*, part ii., *ad fin.*, Hogan’s Irish Catalogue, s.v.—For his career, *cf. Stonyhurst MSS., Thorpe’s Extracts*, 1727; also *Anglia, Epist. Gen.*, October 28, 1718, to June 21, 1727, *passim*.—*Cf. History*, I. 68.

<sup>3</sup> *Supra*, §§ 180–182.

<sup>4</sup> *Cf. Documents*, I. No. 7, R<sup>2</sup>.—Foley, *Collectanea*, s.v. “Le Motte.”—We do not pretend to explain the entry of the catalogue for 1747: “*P. Jacobus Lancastre in Canada.*”—An entry for 1749 needs a scholion: “*Missio Montiserratenensis habet sacerdotem 1, qui superioribus externis subiacet.*” This word, *externis*, must refer merely to Lancaster’s Jesuit superiors being of another province. *Cf. infra*, Appendix F, No. 108.

From the date of 1749, and perhaps also from Lancaster's first voyage to Montserrat in 1740, the detachment of Fathers serving the English-speaking population in the West Indies was annexed to the North American mission, and was registered as being either in Montserrat or Ste. Croix. The same was the case with the English-speaking Fathers who served in Cayenne or Guiana, or, as the latter place was spoken of in later times, Demarara.<sup>5</sup> Thither in 1750, an Irishman of Belgium, Father Philip Joseph O'Reilly, went to serve on the River Amazon. After him, Father James Chamberlain worked in Demarara before the Suppression of the Society;<sup>6</sup> to be succeeded by Leonard Neale, who returned thence to Maryland.<sup>7</sup>

Lancaster had scarcely withdrawn from his field of operations in Montserrat, when an Irish gentleman, Nicholas Tuite, a native of that island, submitted to the Propaganda a well-defined plan for approval. He was asking for spiritual assistance, not on behalf of Montserrat, but of Ste. Croix, a Danish island. He had owned lands and slaves; had desired to procure the conversion of negroes and Caribs; had taken measures to support a couple of missionaries; but such were the difficulties encountered in the English island of Montserrat, that he had sold his property there, and bought lands in the Danish island. That is to say, the anti-Papist agitation under Governor Mathew had made it as expedient for Tuite to withdraw from the Leeward Islands as for Father Lancaster.<sup>8</sup> In Ste. Croix he had the Danish governor's leave to build a public church or oratory for the Catholics, with the assurance of enjoying liberty in the exercise

Project of a mission in the Danish island of Ste. Croix, 1752.

<sup>5</sup> Technically, "New Cayenne" came to be called "Guyanna" (Prop., *Antille*, ii., f. 58<sup>v</sup>; 1765). Both Old Cayenne and "Gujana" were French. (*Ibid.*, iii., *ad init.*, *passim.*)

<sup>6</sup> Cf. Documents, I. No. 150, N<sup>o</sup>, note 51, p. 661.

<sup>7</sup> About 1768 the state of the Guiana mission was as follows: "*Missio insulae Cayennae et continentis adjacentis: PP. Alexius Ruel, superior generalis; Eleazarus Fauque, Mathaeus Carnave, Philippus Daverdoine, Josephus d'Ausillac, Philippus O'Reilly, Philippus d'Huberlant. Fratres Ludovicus Dorez, Sebast. Carpentier, Nicolaus Brigalant, Carolus Millet*" (Prop., *Scr. Rif.*, *Missioni*, *Micell.* i. f. 397; see *infra*, p. 600, note 6). The French mission being dissolved by the French government, Ruel and three other Fathers were still on the ground in 1767; they asked the Propaganda for the renewal of certain faculties, but without success (Prop. *Acta*, March 23, 1767, 8<sup>o</sup>); and then, with the decay of the mission, followed the total ruin of religion, as was a common spectacle all round the world. Father Leonard Neale described for the Propaganda, in a very elegant Latin letter (1788), the scenes of religious desolation and intolerance which he had witnessed and suffered from in Demarara. (Md.-N.Y. Arch., 1788.) Worse still was the account given, December 19, 1817, to Cardinal Litta of the Propaganda by the Englishman Charles Waterton, who had been travelling for several years in the West Indies, Guiana, and Brazil. (Prop., *America, Antille*, iii. ff. 399-404.)

Schmitt records that "in 1777, four ex-Jesuits were sent to Cayenne, because no one else was found who knew the language."

<sup>8</sup> Cf. *supra*, §§ 130-132.

of his religion. He had transported to his new home Irish dependants or tenants; and he desired to have the power of selecting and nominating two Irish priests, secular or regular, for whose maintenance he would provide.

Petitioning the Propaganda for its good will and the faculties to qualify his nominees, Tuite stipulated that no missionaries of another kind should be allowed there, nor any larger number, unless the Propaganda saw in the future an evident necessity. As to his stipulation for one kind only of missionaries, his object was to preclude all occasion of contentions. On September 18, 1752, when this plan was expounded to the Sacred Congregation, Tuite was in London. It was from there that, in answer to Rome, he had submitted the reply noted before; that the Vicars Apostolic of London "without any counter claim from any other nation, or without a particular decree of the Holy See," had communicated faculties to those Irish priests whom, as we observed before, the Jesuit prefect apostolic of Martinique had found in the English Leeward or Carib islands, and had thought it his duty to supervise.<sup>9</sup> The Propaganda approved of all this, with due reserves; and sent its reply with promptness, in order that Tuite, who was on his way to the Court of Denmark, might be able to proceed with a further plan, that of obtaining a royal decree for liberty of conscience in Ste. Croix.<sup>10</sup>

The Vicar Apostolic of London exercising West Indian jurisdiction.

The negotiations of Nicholas Tuite succeeded to his perfect satisfaction. The Court of Denmark favoured his design of religious liberty. He obtained from the English Provincial two Jesuits as his first missionaries, Fathers Bernard Cross and Richard Ellis, the latter a missionary at the time in Maryland<sup>11</sup> (1753). On his return to Ste. Croix from London, two years later, he took with him Father Hermenegild Carpentier, also a Jesuit. To all these the Propaganda accorded

English Jesuits in the Danish islands, 1753-1755.

<sup>9</sup> *Supra*, p. 573.

<sup>10</sup> Prop., *Acta*, September 18, 1752, 17°, Cardinal Orsini's relation.

<sup>11</sup> Cf. *supra*, p. 540.—There had been quite a nice piece of diplomatic agitation at the Court of Denmark. Tuite had obtained religious freedom for Catholics in the Danish West Indies, and equality of treatment with the Lutherans (1754). But the two Jesuits proved indigestible—although in our day Denmark manages not a few Jesuits within its Lutheran borders. Tuite was ordered by the Danish Court to withdraw the two Jesuits, and land them in Europe. Whereupon, he was authorized by the Propaganda, at his own request, to provide the place with two Irish Dominican Fathers. (Prop., *Acta*, December 4, 1758, 3°.) The operations of Fathers Allen and Kennedy, O.P., 1760 (cf. *supra*, p. 122, note 18); their sad account of the Catholics in St. Thomas for want of priests; the subsequent course of events in the Danish and English islands during sixty years—all this has been narrated by us elsewhere. See *Dublin Review*, cxxxiv. 76-98, Hughes, "The London Vicariate Apostolic and the West Indies."



missionary faculties, the use of which in 1755 it extended to the other Danish islands of St. Thomas and St. John. Meanwhile the economic conditions of Ste. Croix prospered to a degree which excited the jealousy of Governor Thomas in the Leeward islands. He expostulated with the Danish Governor Clausen that a certain Skerritt had imposed upon twenty British artisans, and landed them under indenture in this Danish colony. Clausen replied courteously that the workmen had come quite willingly. The Board of Trade, equally distressed with Governor Thomas, submitted the matter to his Britannic Majesty.

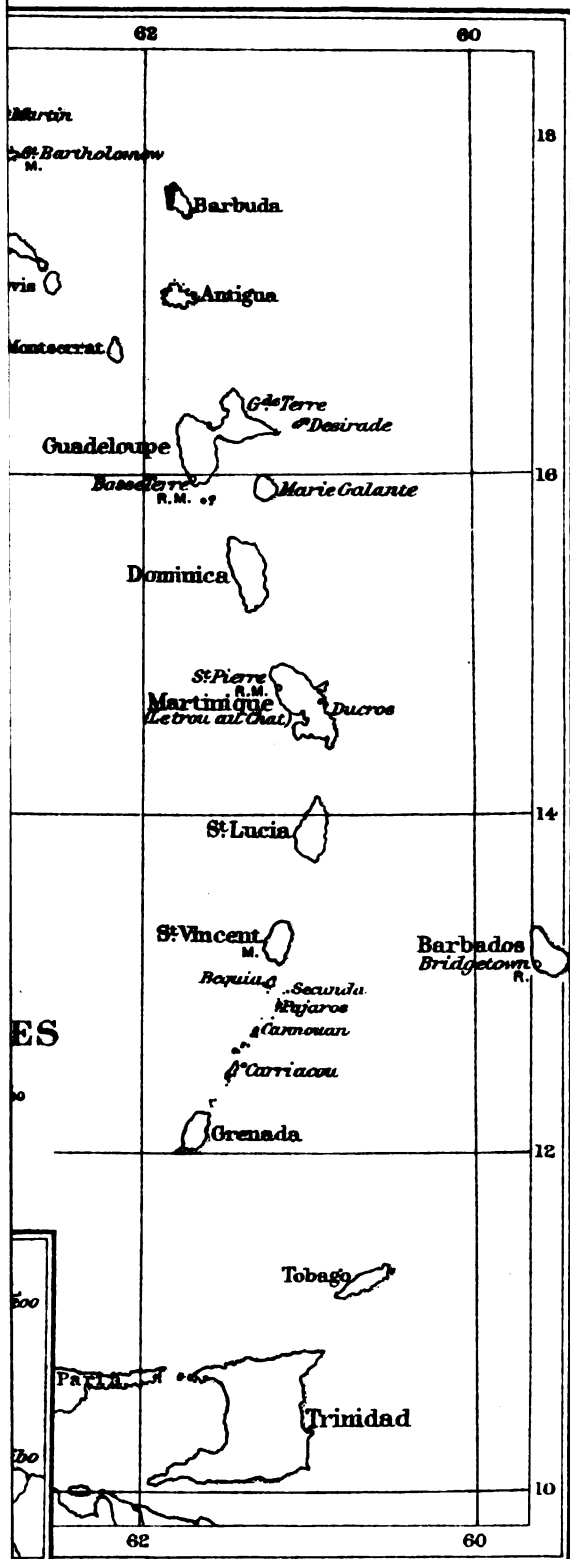
Fifty years later, Tuite the Second, Robert by name, chamberlain to the King of Denmark, was no less zealous in his patronage of things religious at Ste. Croix than his excellent father had been.<sup>12</sup>

§ 233. But, in another direction, the aspect of affairs was not so favourable. Owing to these negotiations, the Propaganda had become fully alive to the circumstance that jurisdiction was being exercised in America by the Vicar Apostolic of London. Bishop Challoner at the time was coadjutor of Bishop Petre; and, after his conferences with Tuite, he very laudably applied at once to the nuncio at Brussels for faculties, to be conferred on certain missionaries in Montserrat.<sup>1</sup> These could assist the Ste. Croix Catholics. The nuncio, imagining that the Danish island would soon become British, communicated the requisite powers, and placed the direction of these missionaries in the hands of Challoner. For the moment, the Propaganda gave its approbation; but afterwards informed the nuncio that he had transcended the limits of his authority. The Holy Office came to the rescue.<sup>2</sup> Tuite moreover had imparted the information derived from Challoner, that, without opposition from any other nation, though also without any specific decree of the Holy See, the Vicars Apostolic of England had been exercising authority in those parts. He observed, however, that appearances had been in favour of the

<sup>12</sup> Prop., *Acta*, September 18, 1752, 17°; December 3, 1753, 14°; February 18, 1755, 15°; April 21, 1755, 9°; negotiations of N. Tuite.—P. R. O., *B.T.*, *Leeward Islands*, 81, Bb. 31–84; *Leeward Islands, Entry-Book N.*, 57; Governor G. Thomas, 1754.—Prop., *Antille*, iii. ff. 297–300, Robert Tuite, Baltimore, [Dec.] 3, 1808, to the Propaganda.—Cf. *Ibid.*, *Udiense di Nostro Signore del* 1804; 42. On February 19, 1804, the ecclesiastical confusion which had afflicted the Danish islands was rectified, as far as possible, *in radice*. See Hughes, *Dublin Review*, *loc. cit.*

<sup>1</sup> James Concannon and John Hennessy, secular priests; Dominic Lynch and Nicholas Crump, Dominicans.

<sup>2</sup> Prop., *Acta*, February 12, 1753, 8°; December 3, 1753, 14°.



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(French Jesuit) prefect apostolic in Martinique, until his supervision of the Irish priests had been "opposed" by "the Vicars Apostolic of England."<sup>3</sup> This last circumstance assumed rather a sombre aspect in a certain Information obtained by the Propaganda in Rome. A "Catholic cavalier" of Montserrat had reported that a Jesuit Father, having come thither without the approbation of the London vicar apostolic, was, "in consequence, prevented from exercising his functions there." This Jesuit would seem to have been none other than the prefect apostolic of Martinique, exercising his legitimate jurisdiction! The same Information conveyed the assumption that, on the continent of America, Maryland was under the charge of "a prefect nominated by the Provincial of the Jesuits in Maryland." It was also supposed that some secular priests came to Maryland "from time to time, with the permission perhaps of the Fathers of the Society of Jesus."<sup>4</sup> However it was with the West Indian islands, it is clear that the ecclesiastical affairs of the North American continent were wrapped up in a cloud of obscurity.

<sup>3</sup> Prop., Acta, September 18, 1752, 17°.

<sup>4</sup> *Ibid.*, September 18, 1752, 17°: "*Relatio Em<sup>i</sup> et R<sup>m</sup>i D<sup>n</sup>i Card. Ursini.*" . . . [F. 282]. *Saputosi però che l'oratore [Nicholas Tuite] si ritrovava per anche in Londra, fu fatto ricercare di qualche maggiore informazione sopra l'esposto, e singolarmente per intendersi, se in quelle parti fosse già istituita altra missione, a cui potesse appartenere la detta isola. ¶ In seguito di che ha esso risposto, come al numero 2°, non aver egli mai saputo, né poter sapere da veruno, che quell' isola sia compresa in altra missione. ¶ Che i Danesi, incirca a 17 anni fa, ne fecero compra dai Francesi, e che essendo prima del dominio di questi, vi è tutta l'apparenza, che appartenesse alla missione della Martinica; ma che per altro avendo i Francesi della Martinica preteso, dopo che gl'Inglesi presero il possesso delle isole Leeward [Leeward] o Caraibe, di visitare i missionarj Ibernese che vi si erano portati, si opposero i Vicarj Apostolici d'Inghilterra, quali dice che senza contrasto d'altra nazione, o senza verun decreto particolare della S. Sede, comunicarono alli sopradetti missionarj Ibernese tutte le facoltà e privilegi soliti de' missionarj. . . .*"—*Ibid.*, *America, Antille*, i. f. 412; a short Information (February 15, 1753), which shows no knowledge whatever of the French West Indies; just a little, but vague, of the English islands; has only some surmises about the French in Acadia; and the suppositions, just quoted in our text, about Maryland, with a word upon Pennsylvania and Philadelphia. The only positive contribution is that about the Jesuit Father coming to visit the island of Montserrat, where, the writer says, "there are almost always two or three [Irish?] priests, who probably assist likewise those few Catholics that are in the neighbouring island of St. Christopher": "*Onde detti sacerdoti ricevono le loro facoltà, chi scrive non può dare notizie sicure; crede però che le piglino dal Vicario Apostolico di Londra; e li pare d'aver sentito altre volte che la Sagra Congregazione avea dato tal cura a detto Vicario. Si sa almeno da un Cavaliere Cattolico di quell' isola, che un Padre Gesuita venutosi, senza aver avuto l'approvazione del Vicario Apostolico di Londra, era stato perciò impedito di esercitarvi le sue funzioni. . . .*" The writer, who is probably the Roman agent of the London vicar apostolic, refers the Sacred Congregation to the "Father Rector of the English College, who had formerly been Provincial," and could impart precise information on Maryland and Pennsylvania. This was Father H. Sheldon.—On the designation, "prefect," cf. Appendix F, No. 114.

As to what this informant said about secular priests coming to Maryland now and then, there are traces of non-Jesuit priests in North America. For instance, we find this note of the eighteenth century in the Md.-N.Y. Prov. Archives: "Priest, by

§ 234. The Sacred Congregation called on the Vicar Apostolic of London, Bishop Petre, for an explanation. The coadjutor, Bishop Challoner, gave his account in a letter to his agent, under date of September 14, 1756. That letter, which was the first of a series touching American affairs, and extending over about fifteen years, contained all that he ever communicated on the historical merits of the London jurisdiction; and it also referred to the Sacrament of Confirmation as the main reason for liberating the vicariate of London from all care of the American continent or islands.

Challoner presumed that the London jurisdiction over America had reached back to the time of the archpriests. This could not be; for the line of archpriests passed out of existence in 1621, nine years before Salem was founded, and thirteen before Maryland was settled. He supposed that the American settlements "were looked upon as appurtenances or appendixes of the English mission." The reason for this supposition, he seemed

name John Mich. Brown, died Dec. 15, 1750; died about 8 miles from Phila., near Nicetown." There were also applications made to the Propaganda from time to time for such a mission. In general, as we explained above (pp. 84, 85), such applications from individuals, who could not be incorporated in a "formed mission," were received with distrust. In particular, we observe that the knowledge possessed of North America seems to have been less than that which could easily have been had of China. Thus Fra Bonaventura Eyston, Min. Obs., an Englishman, represented, November 11, 1723, that, where he himself had formerly been a missionary, "in Canada, or New France in America, adjoining New England," there were "many Catholics in those countries, and therefore [!] deprived of all spiritual help for want of missionaries." He besought their Eminences to "provide for them, since these Catholics were in great danger of returning [!] to heresy." (*Prop., America Sett., Canada, etc.*, i. f. 156.) In 1786, Fra Peter Archdeacon (Archdeacon), Bishop of Killala in Ireland, addressed the Holy Father on the total dereliction of America, from Newfoundland down to the Caribee islands. But he was only taking his information from Cerri. Laying stress on the circumstance that an English propagandist society (the S.P.G.) had come into existence for operations in America, the bishop offered his services as a vicar apostolic, to send over missionaries and make visitations. (*Ibid., Antille*, i. ff. 361, 362; 1786.) Later still, May 29, 1759, an Irish Capuchin in Paris, Fra Bartholomew, begged for the mission to the English colonies in North America, "where very many Catholics live without the help of a priest; and, though they have very often expressed to Catholic travellers their anxiety and desire to have a priest, their prayers have remained unheard to this day." Accordingly, the writer had left the world, become a Franciscan, and now wished to carry out his purpose; asking only for permission to drop his theology, go to Rome and explain matters; after which he would be ready. But he told the Congregation that he should have to go disguised as a physician, and get a dispensation for "letting blood, *ut sanguinem emittere valeat*," so as not to excite suspicion "among the Protestants in which the colony abounds." The procurator general of the Capuchins in Rome, being referred to by the Congregation, treated the matter with diplomatic reserve. (*America Sett., Canada, etc.*, i. ff. 175, 176.)—We hope and trust that this passage about "letting blood" will not appear in literature as a proof that Catholics slaughter heretics; although in this precise instance, if a heretic were the volunteer's patient, we would not insure his integrity of health or life afterwards. We refrained above from charging the Board of Trade with a design to slaughter Iroquois, when those estimable lords recommended that Protestant ministers should imitate Jesuits, by practising "surgery and physick." (*Supra*, p. 298.)

to imply, was political, that the colonies were appurtenances of the kingdom of England; and that ecclesiastical jurisdiction went ambulatory after politics. But such a reason did not hold for extending the jurisdiction even of an Anglican bishop, whose ecclesiastical head was also the political chief of the British empire; the Protestant Bishop of London had to receive a royal commission more than once for the exercise of jurisdiction in America. Challoner inferred that, when the one vicariate had been divided into four under James II. (1688), the American jurisdiction "followed the London district"; and his agent in a memoir asserted roundly that "the Vicars Apostolic of London, ever since the time of James II., have always had authority over the English colonies and islands of America." Challoner referred to the brief of Innocent XII. in 1696, whereby the regulars in England were made to depend in the functions of the ministry on the vicars apostolic. But this brief did not touch America at all; although, in the preceding year, 1695, Father Henry Harrison, the New York missionary, who was penitentiary at Loretto, had been consulted officially on the status of the American colonies. He had answered that, in his time, "all the missionaries depended solely on their regular superiors."<sup>1</sup>

Amid all these suppositions and uncertainties, the only assertion of consequence was that "all the missionaries in those settlements do now, and have time out of mind applied to the vicar apostolic here for their faculties; which is true of the *Padri* also [*the Jesuits*] in Mariland and Pensilvania; at least from the time of the *Breve* of Innocent XII., in 1696; only that they used rather to ask for approbation; but now also for faculties."<sup>2</sup> It was true that the American Jesuits applied now; but that they had done so from 1696, or from time out of mind, was a mere conjecture.

<sup>1</sup> Prop., *America, Antille*, i. f. 287, H. Harrison, Loretto, December 8, 1695, answering Father Francis Porter, whom we take to be the Franciscan of that name. The tenor of Harrison's reply shows that he is answering an official communication. See *infra*, p. 585. And we infer that the Roman authorities were actually sounding the American question, while settling the English one.

<sup>2</sup> Georgetown Coll. Transcr., 1627-1766, MSS. Arch. Westminster; Challoner, September 14, 1756, to his agent in English, whose rendering of the letter into Italian was reported in the Propaganda, December 6, 1756. There are several passages badly expressed in the Italian; and one especially so. Where Challoner says about the want of Confirmation in Maryland and Pennsylvania, "Some have wished, . . . that a bishop or vicar apostolic should be appointed for them,"—signifying apparently Bishop Petre and himself,—the translator runs wild: "Many persons of consideration have on different occasions made known some sentiment of regret, on reflecting," etc. . . . "and therefore would have desired that a bishop were sent thither, or a vicar apostolic": "*Molte persone da bene hanno in differenti occasioni palesato qualche rammarico nel pensare . . . e perciò avrebbero desiderato che vi fosse*

The Sacred Congregation examined Challoner's presentation of the case. It looked into its archives for documents regarding the Nullity of the London jurisdiction, and for American precedents of its claim. own in the matter of communicating faculties. Everything nullified the claim; and particularly the brief of 1688, which gave the delimitation of the territory in the London vicariate. So precise was this in assigning the particles of territory, that it could not have been more so in excluding America, had it gone out of its way to eliminate the colonies by name. So all the acts of jurisdiction had been null. The Propaganda applied to the Holy See for a rectification of what might still be made good. It gave the Vicar Apostolic of London jurisdiction over the American colonies for six years (January 23, 1757).<sup>3</sup> Before the sexennial faculties stood in need of a second renewal, the Treaty of Paris had the effect of placing

*mandato un vescovo, o vicario apostolico.*" On the other hand, he tones down Challoner's phrase about the Jesuits having "engrossed that best part of the mission to themselves"; he renders the passage: "those Fathers who are alone in possession of the more populous missions, *quei Padri che sono soli in possesso delle missioni più numerose*" (Prop., Acta, December 6, 1756, 80).—For a parallel sample of the liberty which Roman agents seem to have allowed themselves, in "translating" documents for their principals, compare Documents, I. No. 214, C, a "translation" of Gradwell's.

It is noteworthy that the question of an American bishopric is introduced here, in connection chiefly with the two provinces on the mainland, Maryland and Pennsylvania, "considering the number of the faithful especially in those two provinces, destitute of the Sacrament of Confirmation." Challoner has just catalogued all the West Indian colonies, and seems to consider them also as destitute of that Sacrament. But there were at least three prefects apostolic in the islands, vested with the power of conferring the Sacrament; the Capuchin and Jesuit prefects since 1752, the Carmelite prefect since 1754.

When, in 1771, the three Jesuit prefectures had already been dissolved some eight years, and the state of religion in those parts was becoming more and more alarming, the Sacred Congregation proposed to Challoner that one of the missionaries in the English islands should be selected, and invested with the power of imparting the Sacrament. This was an obvious solution for the whole difficulty in Maryland and Pennsylvania. Challoner objected to it from four points of view: it was a procedure without precedent in those parts; it might give "some kind of scandal as well to Catholics as to the heretics themselves"; it would necessitate selecting one missionary in preference to others for such a commission; there was no one fit, at least among those who were in the older British islands, held prior to the last war. (Of. *infra*, p. 593, note 5.) Then he passed over to the continent, and the "very flourishing state" of the Maryland, Pennsylvania, Virginia and New Jersey mission; and returned to the previous question as if it were still intact, and the Propaganda had not just designated the remedy: "For the rest it is a subject of lamentation that such a great multitude have to live and die always deprived of the Sacrament of Confirmation. Those Fathers [*the Jesuits*] show an indescribable repugnance to the establishment of a bishop among them, under the pretext that it could excite a violent persecution from the side of the secular government." He suggested his own remedy, that the Bishop of Quebec be called down. (Prop., *America Centrale*, i. ff. 544, 545, *Estratto*; Challoner, June 4, 1771, to his agent.—Georgetown Coll. *Transcr.*, 1771.) Under the denomination of "pretext," Challoner was evidently referring to the Maryland Catholics' protest (1766), the character of which we shall see in a moment (*infra*, p. 591).

<sup>3</sup> Prop., Acta, December 6, 1756, 80.—Cf. *Ibid.*, *Antille*, i. ff. 422, 423, the archivist's report.

under the London vicar apostolic a territory reaching from Acadia to New Orleans, extending through the Antilles, and touching Guiana in South America.

The manner in which this extraordinary episode had come to be enacted was really explained by a circumstance which Challoner mentioned, that the Jesuits had asked the London vicar apostolic for faculties on behalf of America. This again was itself explained by an error which had been committed in the Propaganda itself, on occasion of Father Killick's matrimonial case being presented in 1715.

Origin of the error. Antecedent periods.

Before that, from the date of Innocent XII.'s brief in 1696 till 1715, the indications are more than sufficient to show that no reference had been made to the Vicar Apostolic of London for faculties, on account of America. Before 1696, from the foundation of the Maryland mission in 1633, no application had ever been made. So Father Harrison expressly reported from Loretto, in 1695, for the years of his ministry.<sup>4</sup> There were general reasons in force from the first settlement of Maryland, why no reference should have been made to England for faculties, even if there had been an English vicariate apostolic in existence during all the time from 1633 till 1696.

§ 235. In 1633, the General Vitelleschi had conveyed to the English Provincial, Father Blount, the Indian faculties on behalf of Maryland. These were a code in themselves, which, even after the revocation of privileges conveyed heretofore by word of mouth (*vivæ vocis oracula*), contained numerous faculties under thirty-three heads.<sup>1</sup> We cannot say whether the use of this concession remained with the Maryland missionaries to the end of the seventeenth century. In 1710, Father Louis de Sabran, Visitor and Provincial, obtained some powers from Clement XI.; and he catalogued for general information the apostolic faculties communicable by the Provincial of England. Some of them were of a kind altogether unusual, and beyond the reach of any official formulas; the chief of them being derived from the times of the General Aquaviva and Father Parsons.<sup>2</sup>

The faculties for the Indies, 1633.

Register of the Provincial's faculties, 1710.

<sup>4</sup> *Infra*, pp. 585, 586.

<sup>1</sup> *History*, I. 267-269.—*Documents*, I. No. 5, E.—The *Compendium Privilegiorum et Gratiarum, quæ religiosis S.J., . . . a SS. Pontificibus conceduntur*; Romæ, 1737 (small 8vo, 70 pages), contains the revised privileges, after the general revocation of *Vivæ vocis oracula* by bulls of Gregory XV., July 24, 1622, and Urban VIII., December 20, 1631.

<sup>2</sup> *Prop.*, *Anglia* iii., ff. 47, 48.—Md.-N.Y. Prov. Arch., G. Hunter's pocket book,



Fifteen years later (1725), the Provincial Thomas Lawson, at the very moment when he was conveying to Thorold, superior in

*Spiritualia*, pp. 1-24.—Cf. Ston. MSS., MS. A.v., No. 1, ff. 89v-42, c. 9, *Facultates Superioribus reservatae*.—The substance of the faculties was given in a letter of the Provincial Blake to the superior of Maryland, November 24, 1701. (Md.-N.Y. Prov. Arch., L. 1, p. 12.)

One passage from a subsequent letter will show the extent of the English Provincial's powers, independently of any Indian faculties communicated by the General to Maryland. In 1721, Robert Beeston, Provincial, submitting a petition to the General Tamburini, enumerated grants made to the General of the Society by Paul III., *Licet debitum pastoralis* (October 17, 1549), and Julius III., *Sacrae religionis* (October 22, 1551); and he said that the same faculties were contained in those which the Cardinal Protector of England enjoyed, by virtue of many briefs from the Holy See. Beeston represented that all these grants had been communicated at least indirectly by the General to the English Province. For Cardinal Farnese, Protector of England, having presented certain letters patent (May 20, 1600), the General Aquaviva accepted them; to the effect, that the Cardinal Protector instituted as his delegate for the use of his own faculties in the British dominions the Jesuit Prefect or Vice-Prefect of the English mission, who was acting at the time, or by Aquaviva's appointment should act in the future: "*Fuisse saltem indirecte communicata Provinciae Angliae ab admodum Reverendo Patre Claudio Aquaviva tunc Societatis Jesu Praeposito Generali, quando acceptavit patentes Eminentissimi Cardinalis Farnesii datas 20 Maii, 1600; quibus vices suas in usu facultatum pro dominiis Regi Angliae subjectis, et potestates communicandi a Sancta Sede per plura Brevia concessis [concessas?], transmisit in illos, quos praedictus Pater Clandius in Praefectum, et Vice-Praefectos Missionis Angliae constituerat, vel deinceps constitueret; in quibus facultatibus illae continebantur, quas Societati Paulus III. concesserat.*" Beeston added, that among these concessions were those granted to the Carmelites by Clement VIII. in the bull *Gregis Domini cura*, 1604, not only for Persia, but for all infidel, heretical, and schismatical parts. He continued: When the English Jesuit mission was erected into a Vice-Province and then into a Province (1619, 1623), Richard Blount, the superior all this time, was understood, on becoming Provincial, to be vested with the Cardinal Protector's faculties, as before. Then, in connection with the Chalcedon controversy, Urban VIII. in his brief, *Britannia*, May 9, 1631, declared that all the faculties of regulars in England remained in full force, as derived from Apostolical authority, and on the same footing as in the times of Gregory XIII. and Paul V. (1572-1621). (Of. History, I. 221.) The perpetual practice of the Holy See, of the Cardinal Protectors and of the Holy Office, corroborated these antecedents.

In reply to this petition of the Provincial Beeston, the General Tamburini granted what was asked for, that the Provincials of England should by virtue of their office have, and be able to communicate all the faculties, *pro foro conscientiae*, contained in the bulls of Paul III., Julius III., and Clement VIII., as well as those conveyed in the letters patent of Farnese, at that time Cardinal Protector of England. He ordered Sabran (who was then in Rome, spiritual Father at the English College) to countersign the grant. (Prop., *Anglia*, iii. ff. 47, 48.) The Propaganda copy has March 28, 1721; Fr. G. Hunter's record has May 28, 1721. (*Loc. cit.*, p. 24.) For the terms of the brief, *Britannia*, see History, I. 221. Sabran, in a letter from Rome, April 5, 1721, told the Provincial Beeston of the disputations which he had held with members of the General's curia; who had maintained against him that the annual publication of the *Bulla Coenae* revoked such privileges. (*Ibid.*, pp. 18-20.)

Of one series, previously catalogued, "12 Sept., 1710, Ludov. Sabran, S.J., *Visitator et V. Provinciae*," it is noted that they are for use "only within England" (*Ibid.*, p. 7). This, of course, included Maryland, which was incorporated in an English college. (Documents, I. No. 6, Z; 1650.) It excluded that part of the Province which was on the continent of Europe. Still, in the same list it is expressly said of the grant to the Carmelites in Persia by the bull of Clement VIII., that its contents were applied by the General, Mutius Vitelleschi, not only within England, but in Germany and in Belgium. (*Ibid.*, p. 9.) Of two minor privileges, regarding the offices of St. Francis Xavier, and of St. Ursula, Sabran remarks: "N.B. These two were granted by Clement XI. at my instance, an<sup>o</sup> 1706; the 1st V.V. Oraculo; the 2<sup>d</sup> by brief" (*Ibid.*, p. 6). To Sabran's lists the note is appended in Hunter's

Maryland, a set of faculties from Bishop Giffard of London, went on to speak of his own in these terms: "As to the faculties you have from me, I can't give you so clear an answer. You may read the *Compendium* (*Privilegio*[rum]), and then conclude that you have all the powers which the Provincial can give you. If, after you have read the *Compendium* and consulted with your brethren, you have any doubt about some of them, you may send your doubts to be examined here."<sup>3</sup> The next Provincial, Turberville, ordered the foregoing answer of Lawson's to be registered in Maryland.<sup>4</sup> Such a loose manner of treating a highly technical question of substantial import is only one indication among many which we find, that the dispersed condition of the English Fathers, and the dangers which were always hanging over their papers and property, rendered an orderly and businesslike conduct of affairs extremely difficult.<sup>5</sup> This may have contributed to create the false situation in which the Vicars Apostolic of London came to be placed.

Faculties of  
the Pro-  
vincial, 1725.

§ 236. That the case of English America had been under consideration in Rome, when the brief of Innocent XII. (October 5, 1696) was being prepared for England, is clear from Father Harrison's answer to the questions proposed in 1695. He said of the four vicars apostolic appointed under James II.: "To which of them the aforesaid regions [*the American islands and continent*] have been subjected I

America not  
under English  
jurisdiction,  
1696-1715.

record: "All the above facultys and priviledges were copy'd out by Fr. P. Plowden [*former Rector of the English College in Rome*] and sent over to Mr. Shireburn [*Provincial*] of London, in a letter dated August 29, 1744" (*Ibid.*, p. 9).

Regarding Clement VIII.'s grant to the Carmelites, Sabran observes: "Some points of the grant must be used cautiously, when there is danger of displeasing ecclesiastical superiors" (*Ibid.*, f. 9). And, among the Cardinal Protector's faculties, "*ex collectione in archivio Collegii Pontificii Anglorum servata*," special cautions are added to No. 7, about communicating *paucis et solis valde idoneis* the faculty, "*dispensare ut possint super impedimentis juris positivi* [in contrahendis] *matri-* *monii*," and the other faculties, "*quoad contrahenda*." So too under No. 14, about the retention (by converts to Catholicity) of (Catholic) ecclesiastical goods, "*paucis et prorsus prudentibus est hic 14<sup>us</sup> articulus communicandus*" (*Ibid.*, pp. 24-32).

Louis de Sabran, so often mentioned here, was son of the Marquis de Sabran, French ambassador to the English Court in the time of Charles I. Louis, born in Paris, 1652, was educated at St. Omer's, and admitted into the Society, September 7, 1670. (Foley, *Collectanea*, s.v., "Sabran"; *Records*, iii. 80.)

<sup>3</sup> Md.-N.Y. Arch., L. 1, p. 2; March 17, 1725.

<sup>4</sup> *Ibid.*, p. 3, September 24, 1725.

<sup>5</sup> Cf. History, I. 68: the burning of papers at this very time. The want of system became chronic. The General Father Retz, November 2, 1737, protested forcibly to the Provincial Henry Boulton, against the general want of method in reporting; and he despatched, April 14, 1738, copies of seven Formulas, which the Provincial and local superiors ought to be following. (*Anglia, Epist. Gen.*, under date.)—See Documents, I. No. 7, Q<sup>2</sup>; July 26, 1738. History, I. 10, 11, *ad* note 3.

do not know. At least, when I was in those missions, there was no vicar apostolic there ; but all the missionaries [*Jesuit and Franciscan*] depended only on their regular superiors."<sup>1</sup> The Papal brief was then issued, requiring regulars in England to depend in ministerial functions on the vicars of the respective districts. But there was no mention of America. And there is no sign of any reference being made by the Jesuit superiors to a vicar apostolic for the ecclesiastical affairs of America.

But, after eighteen years (1714), Father William Killick of Maryland sent over to the Provincial a thesis, in which he treated **A matrimonial** of certain matrimonial difficulties arising from the im-  
**question, 1714.** pediment of heterogeneous worship (*disparitas cultus*). This affected chiefly the negroes, so many of whom were unbaptized. Quakers also were in question. The marriage of a baptized Christian with a person unbaptized was null and void in canonical law. The fundamental reason for this invalidating impediment was the intention to guard a Christian from being perverted by an unchristian consort ; just as the ample faculties granted in a converse sense for Indian countries, dispensing the faithful from impediments of consanguinity and affinity, had for their object the common benefit of both parties in marriage, when both were Christian.<sup>2</sup> Against the expediency in America of such a nullifying circumstance as disparity of worship, no less than against the existence itself of such an impediment in Maryland, Killick wrote his thesis.<sup>3</sup>

The Provincial Father Thomas Parker, passing over Killick's erudite paper, simply proposed to Father Richard Plowden, Rector of the English College in Rome, that a power be procured "for the superior of Maryland to dispense, when necessity urges, between negroes and English, or between a person baptized and one not baptized, in the matter of marriages already contracted, and also in the same prior to being contracted."<sup>4</sup> This meant that the missionaries would be enabled to rectify marriages in the tribunal of conscience ; and that the superior should be able to perform the act of public jurisdiction, by giving a dispensation beforehand.

<sup>1</sup> Prop., *Antille*, i. f. 287.—See *supra*, p. 581.

<sup>2</sup> The original Indian faculties of the Society comprised the dispensation of all impediments within degrees not forbidden by divine law ; though later this power was restricted so as to exclude the first degree of consanguinity or affinity, except in a certain case. Cf. Benedict XIV., *Cum ven. frater*, January 17, 1767 ; his review of antecedents. (De Martinis, iii. 677.) He quotes the reason for all this, that it was to qualify the faithful for unions among themselves.

<sup>3</sup> See *Amer. Eccl. Review*, xxvi. 521-538, Hughes, "A Maryland Marriage Question."

<sup>4</sup> Engl. Prov. Arch., Thorpe's *Extracts*, 1714 : "Oct. 7, Tho. Park. to R. Plowd. R."

In these terms the petition was reported to the Propaganda (February 25, 1715). The secretary conveyed to their Eminences his view on the merits of the question. His statement contained three misconceptions. The proposal having been distinctly about "the English Jesuit Fathers, missionaries in North America," he observed first, that "to the Jesuit Fathers in England faculties are given not from here; but they should receive them from the vicars apostolic, for the places, however, in England." This first observation was irrelevant to the matter, unless he was insinuating that reference might be made for America to the vicars apostolic of England. He added: "The afore-said island [*Maryland*], although in America, is subject to the English from the time of its discovery, and [*was*] given by King Charles in 1632 to a Lord Baron of Baltimore." This suggested that a political dependency passed, without any further appointment, under the spiritual jurisdiction of the mother country. After some observations on the rarity of the concession asked for, which had been made only in favour of the East Indies and China, the secretary passed on to his third conception, that the question was about the French West Indian islands. He said that, forty-four years previously (April 27, 1671), the nuncio of Paris had been given the superintendence of the islands in North America; and there, in 1677, April 27 (thirty-eight years ago), "Father Francis Lemer cier, a Jesuit, had been appointed superior of the missions of his Order in North America." <sup>5</sup> Having listened to this confused commentary on the petition of the English Provincial for a faculty concerning English, not French, North America, and touching the continent, not the islands, the Sacred Congregation decreed that the matter should be tabled for want of a precedent, and that the Holy Office should be informed.<sup>6</sup>

Report, and misconceptions in the Propaganda.

A negative given to the petition.

All this was negative. The answer came back to the Provincial; and some allusion, whether express or implicit, must have been made to an ordinary episcopal authority. For, a few months afterwards, we find in the correspondence, apparently of the Provincial with the same Father Plowden in Rome, a passage showing that an entirely new question had been opened: "It will be hard to find under which Vicar Apostolic Maryland is. London too far. Quebec are foreigners." <sup>7</sup> A quest was being instituted for a charitable bishop who would take charge of Maryland.

<sup>5</sup> Cf. History, I. 302.

<sup>6</sup> Prop., Acta, February 25, 1715, 8°.

<sup>7</sup> Engl. Prov. Arch., Thorpe's *Extracts*, 1715, June 10: "*Id. eid.*"—seemingly T. Davis (the Provincial Parker?) to R. Plowden.

Bishop Giffard, Vicar Apostolic of London, responded benignly. In 1721 began the series of acts, which we find to have been performed by the Vicars Apostolic of London in relation to English America, till 1756, the date of the Propaganda's call on Bishop Petre, to show cause for what he was doing. The jurisdiction had been launched under the impulse of a negative decree from the Propaganda itself, prompted by a set of misconceptions on the part of its secretary. And, by a process of elimination, the Jesuits had brought this jurisdiction, which was looking for a home, to the door of the London vicar apostolic, who thus became the Ordinary for America by devolution from a negation.\*

\* In the old record book, L. 1, of the Md.-N.Y. Prov. Arch., we have only six documents touching the exercise of the London vicar's authority. 1. Bishop Giffard, November 21, 1721, accords the superior of the mission (Mansell) the power of granting a plenary indulgence at the moment of death. 2. The same, December 21, 1622, on receiving from the Provincial Beeston and Father Francis Ashton (Powell), in the name of all the Maryland missionaries, the draft of five regulations for the observance of Sundays and feast days, with a petition at the end: "His Lordship is most humbly desired to approve of the abovesaid articles, at the instance and petition of the mission in Maryland," etc., signifies his approval with this endorsement: "I have with great satisfaction perused the above mention'd regulations. I think them equally prudent and pious, because there is a due regard to religious dutys and corporal necessities. Wherefore I approve of the said regulations and order them to be observ'd. Bonaventura Bp. of Madaura, V.A. London, X<sup>br</sup>. 21, 1722." (Cf. copy, *Ibid.*, portf. 8.) 3. The same, November 28, 1723, grants the superior a number of powers, corresponding to those of a vicar general, for dispensations, etc., among which occurs that for the impediment *disparis cultus*, but only *in matrimonio contracto*: "This, as well as the above commission to stand good and in full force, till actually revoked by him or his successors. . . . *Ita est*, Robertus Hill [Beeston], *Angliae Provincialis*. Petrus Attwood." 4. The bishop's vicar, Mr. Barker, December 10, 1723, considered that the Maryland missionaries rightly claimed all privileges "granted to and enjoyed in England; and his reason was, because we were part of and belonging to the London district. *Ita est*, Jacobus Case. Petrus Attwood." 5. Father Lawson, in the same letter, March 17, 1725, in which he discusses the extent of faculties derived from himself as Provincial (*supra*, p. 585), conveys in the first place a cordial message from Bishop Giffard to the new superior, George Thorold, reaffirming all the perpetual powers previously granted, for private and public use; one dispensation being added very reluctantly for a specific case of the second degree of consanguinity, between two cousins german; with a protest to be made public, that no such dispensation shall be granted again. 6. Bishop Giffard, November 20, 1730, communicates to the superior and all his missionaries a series of faculties, under ten heads; signing his name with the title: "*Epi. Madaurensis ac in Regno Ang<sup>ae</sup>. V: Apos.*"

In granting only the faculty of revalidating, in the tribunal of conscience, marriages which were invalid through the impediment of *disparitas cultus* between persons baptized and unbaptized, Giffard communicated as much as he had, but less than the Provincial had asked for from the Propaganda. We infer that the bishop had not the power of dispensing from the impediment prior to marriage. Such, at least, is the tenor of an observation made by the Propaganda or its secretary in 1794, when Carroll, Bishop of Baltimore, submitted a synodal petition for the aforesaid faculty, "at least in marriages contracted." The observation ran as follows: "Note to Postulate 4<sup>o</sup>. To the bishops and vicars apostolic of the East Indies, there is granted among other extraordinary faculties that regarding difference of religion, *disparitas cultus*, with the clause, however, 'where there are more infidels than Christians, and where many reasons concur in each case for the dispensation to be given, *pluribus tamen de causis in singulis casibus, in quibus dispensandum erit.*' There is no instance found of such a faculty ever having been granted by the Holy See to the bishops, vicars apostolic, or missionaries of America [*South and North*],

§ 237. Most cordial were the relations between the American missionaries and Bishop Giffard, who was the first installed by common consent, and mutual complaisance, as the episcopal authority over Maryland. During the same time, Bishop Petre was Giffard's coadjutor, till 1734, when he succeeded as Vicar Apostolic of London. From 1741, Challoner became coadjutor, and thenceforth the active manager of all London affairs.

Two years did not pass before the vicariate endeavoured to rid itself of immediate supervision over America. "The Vicar Apostolic of Maryland and Pennsylvania," as the General's phrase had it, proposed to substitute for himself a vicar general in the person of the Jesuit superior (1743). The General, Father Retz, being applied to on the subject, made the necessary distinctions; that, if it was a universal and habitual jurisdiction which the bishop wished to impart, for cases of justice as well as of grace, such an office could not be accepted by the superior, without a Papal dispensation from the Jesuit vow against the acceptance of dignities. If, however, only matters of grace were contemplated, such as dispensations, absolutions, and the like, the superior might accept that administration. His Paternity added a third manner of adjustment, that the bishop might delegate some one, not a Jesuit, for the exercise of all jurisdiction, subject to the counsel and approbation of the Jesuit superior.<sup>1</sup> It may be observed that this suggestion coincided in part with what was propounded by Challoner, thirteen years later, when he desired to place

The London vicar apostolic asking for a Jesuit vicar general in Md., 1743.

or of any other places except the following." Then, at considerable length the observation tells of the petition for such a faculty, and the motives advanced by Father Sebastian Meurin, S.J., missionary in the region of the Illinois, "*missionario nella isola Ludovica [Louisiana] di America, anzi nel Canada, e nella diocesi di Quebec*," where there was no bishop or vicar general at the time; to the effect that there were few Christian savages and many infidels; and that there was not so much the danger of perversion for the Christian, as rather the hope of conversion for the infidel. On September 4, 1766, the Holy Office, to which the Pope had referred the Jesuit's petition, decreed that his Holiness should be asked to grant it, "for the relief of a mission almost destitute of every aid, and for the spiritual comfort of a Christian flock, so far remote by sea and land." His Holiness, the same day, granted for a triennium, from the day of receipt, the extraordinary faculty, "*dispensandi super disparitate cultus in matrimoniorum celebratione*" (Prop., Acta, June 16, 8°, 1794, ff. 450, 451).

<sup>1</sup> Documents, I. No. 7, D<sup>2</sup>; March 9, 1743.—This condition of a Jesuit counsellor or assessor for the exercise of a public administration was not unfamiliar. It was the common condition attached by a long series of Popes to the exercise, and even to the acquisition of certain faculties by Ordinaries in the Indies. See *supra*, p. 575, note 10.—In addressing himself to this demand with respect to Maryland, the General Retz showed more good will than the General Tamburini had exhibited, when Bishop Prichard of the Western District asked in 1715 for a Jesuit vicar general. Tamburini did not even allude to a Papal dispensation. (*Anglia, Epist. Gen.*, August 31, 1715, to Parker, Provincial.—Cf. Prop., Acta, July 9, 1715, 23°, Prichard's proposal to the Propaganda about four vicars general for his district.)

among the Jesuits of America an individual, not a Jesuit, with all powers of jurisdiction; but without the condition of any consultative dependance, and also without a number of other conditions much more indispensable—a temporal maintenance, a secular clergy, churches, schools, and everything else necessary for the post.

Finally, we may notice with regard to the easy and unchallenged exercise of the London jurisdiction over America, that in 1746 Bishop Petre and his coadjutor Challoner sent to the Propaganda a general report, in which America was expressly mentioned as belonging to the London vicariate. The official summary ran thus: "Then besides the mission of England in that vicariate, it is added, that to the same belongs also the mission of America in the provinces subject to that empire." And a short notice follows of the Jesuit mission on the mainland, and of missionaries in Antigua and Montserrat.<sup>2</sup> Thus during over thirty years the London jurisdiction had been taken as a matter of course, till it was challenged on occasion of Tuite's proposals for Ste. Croix.<sup>3</sup>

Between 1756, when in the terms given above Challoner endeavoured to explain the origin of Bishop Petre's jurisdiction over America, and 1765, when he was acting in his own name as Petre's successor, he presented the pleas in favour of a substitute jurisdiction across the ocean. Confirmation was wanting; and, now that Canada and Florida had become English, a bishop or vicar apostolic might, with the consent of the English Court, be established in Quebec or some other place, having authority over all the rest of the English colonies and islands in America.<sup>4</sup> Besides this presentation of the case, none other appears in his correspondence till the total failure of the plan in 1773, when the Bishop of Quebec excused himself to the Holy See.

§ 238. In the mean time, half-way between the two terms, 1756 and 1773, the Maryland Catholics had been apprised of the plan which was in progress. In 1765, they were smarting under the effects of the rabid anti-Popish agitation; and some of them were engaging in a second attempt at emigration to Louisiana. In that

<sup>2</sup> Prop., *Acta*, July 4, 1746, 10°.

<sup>3</sup> Cf. Hughes, *Dublin Review*, cxxxiv. 66-98, "The London Vicariate Apostolic and the West Indies, 1685-1819"; also, *Amer. Eccl. Review*, xxviii. 28-41, "The Sacrament of Confirmation in the Old Colonies."

<sup>4</sup> Prop., *Antille*, ii. ff. 24, 25, Challoner, August 2, 1768, to the Propaganda.—Cf. *Researches*, xii. 44, 45.

year, two hundred and fifty-six of them signed a letter, or petition, to the Jesuit Provincial, Father Dennett. Under four distinct heads they explained the political dangers attending such a measure as that of parading a public ecclesiastical authority of the Catholic Church in the person of a vicar apostolic.<sup>1</sup> They introduced this explanation by saying:

The counter-reasons of Maryland Catholics, 1765.

"Hon<sup>d</sup> Sir. Having received intelligence that a plan is on foot for sending into this province an Apostolical Vicar, we think it our duty to God, ourselves and posterity, to represent our objections to such a measure; as what would give our adversaries, bent on our ruin, a stronger handle than anything they have hitherto been able to lay hold on, and consequently terminate in the utter extirpation of our holy religion." They concluded their appeal in these terms: "We therefore, by all that is sacred, intreat you, H<sup>d</sup> Sir, as head of the gentlemen we have for our teachers, that you will be pleased to use all your interest to avert so fatal a measure, and, as far as you judge necessary or proper for that purpose, to transmit coppys hereof to all whom it may concern." The representation was dated, "this 16 day of July, 1765. C: Carroll, Ign: Diggs, Hen: Darnall, P. Manner"; and the endorsement adds: "Sign'd by 256."<sup>2</sup>

Under the same date, Charles Carroll wrote a letter of his own to Bishop Challoner, stating that Father Dennett would communicate to his lordship "a letter from many of the principal Rom: Cath<sup>s</sup>: of Maryland directed to him, wherein they set forth a few of the many and weighty reasons they have against the appointment of an Apostolical Vicar for America." Carroll begged to add further considerations; that, during 130 years, the Fathers of the Society have "very justly deserv'd our esteem, love and gratitude; an uninterrupted peace and harmony has at all times, as well as at the present, subsisted between us and these our spiritual guides. Should an Apostolical Vicar, or priest of any other denomination be sent amongst us, I am fearful the peace and harmony, which has so long subsisted, will be very soon banished."<sup>3</sup> Carroll

Charles Carroll's declaration.

<sup>1</sup> 1. The appearance of a bishop would furnish a new pretext for persecution; 2. his functions being of a public kind; 3. not within the legal limitations of private family services; 4. unprecedented in anything which the Anglican Church had yet been enabled to effect.

<sup>2</sup> Md.-N.Y. Prov. Arch., 1765.—The copyist's orthography is very defective; as also in the next letter. Both are endorsed, with a statement of their authors and purport, in Father G. Hunter's hand.

<sup>3</sup> This was precisely Mr. Nicholas Tuite's argument with the Propaganda, for securing the right of exclusive nomination, and therefore the refusal, of missionaries, if "of another sort." See *supra*, p. 577. So it has been remarked of the jarring in China, that what was wanted was not a native clergy, but the absence of a discordant clergy.



proceeded to explain the impossibility of the enterprise, from the total failure of the attempts made by the Established Church to introduce a Protestant bishop. He drew the obvious and more peremptory inference, *a minori ad majus*, with regard to the Catholic Church. He continued: "Some may suggest that this my letter to your Lordship, as well as the R. Cath<sup>n</sup> letter to Mr. Dennet, has been wrote at the instigation of the Jesuits. For myself, my Lord, I most sincerely profess that, uninfluenced by 'em I write this, & sign'd the other letter, which contains not only my own but, I am well convinced, the true sentiments of every Rom. Cath<sup>n</sup> in Maryland. I writ it in order to continue in the enjoyment of my spiritual peace, and a quiet possession of my temporal goods, and from these motives only; and I beg your Lordship to believe me. I therefore most humbly entreat your Lordship by the dignity you hold in the Church, by the zeal you have for Gods honor and glory, that you would strenuously oppose by all means becoming your character the appointment of an Apostolical Vicar for America. But, in case such a one should be appointed, I most earnestly beseech you, if possible, to put a stop to his coming hither; as such a step, I am afraid, will create great troubles here, and give a handle to our enemies to endeavour at the total suppression of the exercise of our religion, and otherways most grievously to molest us. I have the honor to be your Lordships, Most ob<sup>t</sup> and most humble serv<sup>t</sup>, Cha: Carroll." He appended a postscript, which showed very significantly how little the people of Maryland understood of Challoner's position in the matter: "P.S. I have, my Lord, sent copies of this my letter to the Rd. Mr. Dennett, that he may co-operate with your Lordship to prevent a step which to me seems most fatal and pernicious." <sup>4</sup>

Challoner was wounded to the quick. He wrote to his agent in Rome, more than a year later: "I believe I never told you how much  
 Challoner's those gentlemen [*the Jesuits*] were alarmed, upon hearing  
 gloss. the first rumour of a B[ishop] being designed for North America; and what opposition and subscriptions they procured from the laity there; which they would have had me to have sent to Hilton [*Rome*]; but I desired to be excused. By which I plainly see it will be no easy matter to place a B[ishop] there, although there be so many thousands there that live and die without Confirmation. The case of the islands is still worse, as they are very indifferently served with miss[ioner]s; and it is not possible for us at

<sup>4</sup> Md.-N.Y. Prov. Arch., *loc. cit.*, endorsed by G. Hunter.

this distance to inspect or correct their faults; and withall the circumstances are such that it would scarce be possible to fix a B[ishop] there.”<sup>5</sup>

So ended the question of a bishopric for the English colonies. The Sacred Congregation had no interest in providing the “formed mission” of an Order with a heterogeneous head. Its general policy was entirely opposed to such a mode of procedure.<sup>6</sup> Since the necessity of Confirmation was so much insisted on by Challoner, the Propaganda made the proposal of investing Fra Benjamin the Capuchin, or some other missionary, with the power of administering that Sacrament in the West Indies. Father Benjamin was Challoner’s vicar general, selected for the purpose and often commended by him. At the same time, Christopher MacEvoy, a most worthy secular priest, was being appointed prefect apostolic for the Danish islands, with very ample powers.<sup>7</sup>

The Propaganda’s provision for Confirmation rejected.

But Challoner’s letter of June 4, 1771, came to hand, with objections from every point of view to such a proposal, as that a

<sup>5</sup> Georgetown Coll. *Transcr.*, MSS. Arch. Westminster, Challoner, September 12, 1766, to Stonor, clergy agent, Rome.—This last observation about the West Indies was so true that in the report of Christopher MacEvoy, prefect apostolic, April 7, 1775, submitted to the Propaganda, March 11, 1776, his account of the spiritual decay among Catholics in divers English islands ended in the official summary thus: “He [MacEvoy] concluded finally, that those Catholics had neither power nor will to maintain missionaries,” though the magistrates were tolerant, and Protestants assisted at his Mass. (Prop. *Antille*, ii. f. 386v.) Apparently in relation to the same MacEvoy, and touching the question of raising him from the dignity of prefect apostolic to that of bishop, the nuncio of Brussels wrote to the Propaganda: “I do not know either, if they would accept and keep a prefect of the mission invested with such a dignity” (Prop., *Scrittura riguardanti l’esecuzione del Breve di Soppressione de’ PP. Gesuiti ne’luoghi di Missioni; Missioni, Miscell.*, t. v. f. 43, Arch. di Rodi, Brussels, November 16, 1773. His island of “Curaçao” seems to be a mistake for Ste. Croix). All this shows the economic reason for looking to the flourishing mission of Maryland-Pennsylvania as the headquarters of an American bishopric. That basis failing, the whole plan failed.

Though Charles Carroll had affirmed, that the Jesuits had nothing to do with his action in opposing the vicariate apostolic, Challoner in 1771 repeated his stricture on the Fathers, at the moment when he was commending the “very flourishing state” of their mission, but was rebutting the idea of a priest being invested with the power to confirm. See his reasons, *supra*, p. 582, note 2. Two of the four objections which he advanced would militate equally against a priest ever being made a bishop in America: that it was a procedure without precedent; and that it would necessitate selecting one missionary in preference to others. His third objection, that in the West Indian islands there was no one fit, is not quite intelligible, seeing that he thought Fra Benjamin the Capuchin fit to be his vicar general, had made him such, and now praised him in the same letter as indispensable in the islands newly acquired by Great Britain. The fourth objection, about scandal being given even to heretics, does not commend itself as a criterion in matters concerning the Sacraments of the Church. How scandal would be given to Catholics in the matter, does not appear.

<sup>6</sup> On the homogeneity of religious institutes requisite in any mission, cf. Propaganda, *Collectanea*, No. 896, January 11, 1656; No. 411, July 11, 1785.—Of. History, I. 308, note 89, the same principle applied to St. Christopher, 1648, 1669.

<sup>7</sup> Prop., *Antille*, ii. ff. 385v, 386.—MacEvoy was appointed, July 8, 1771.

priest should be invested in the West Indies with the power of confirming.<sup>8</sup> Having thus given his vote against Confirmation being administered in a way so practical and favoured by the Holy See, he passed over to the continent, Maryland, Pennsylvania, New Jersey and Virginia, where, according to the Jesuit reports, "those missions," wrote he, "are in a very flourishing state"; and, apparently forgetting what the Propaganda had proposed, and what he had just rejected, he proceeded to strike again the identical note, in the same key, as during the fifteen years past: "However, we have to lament that so great a multitude have to live and die, always deprived of the Sacrament of Confirmation. Those Fathers show an indescribable repugnance to the establishment of a bishop among them, under the pretext that it could arouse a violent persecution from the side of the secular government. But it does not seem to me that this result need be feared, if the Bishop of Quebec, who is not at so great a distance from those parts, were invited, and had the necessary faculties, to administer Confirmation at least once to that people."<sup>9</sup>

§ 239. The Propaganda, two months later, wrote a letter in this sense to the Bishop of Quebec; that very many Catholics in Maryland, Pennsylvania, Virginia, and neighbouring territories, were not unprovided with spiritual assistance in other respects, but had never received the Sacrament of Confirmation. Sending the requisite faculties, the Sacred Congregation besought the bishop to undertake this labour of zeal; or, if he could not do so, to suggest at once some means by which the object could be attained.<sup>1</sup> Bishop Briand replied that, so soon as the Canadian Governor (Carleton) returned from London, the requisite permission would be asked for; and meanwhile he would write to some missionaries in those parts.<sup>2</sup> This reference of Mgr. Briand to the Jesuits was the first instance which we find of the Fathers having been advised or consulted on the matter,

The Bishop  
of Quebec  
empowered,  
1771.

<sup>8</sup> See preceding note 5, p. 598. The proposal had come with the full authority of the Propaganda: "*La Memoria intorno alle cose dell' America, che mi avete mandato per ordine della Sagra Congregazione, mi è parsa veramente degna della somma prudenza di quelli Em<sup>mi</sup> Signori. . . . ¶ Per quel che si propone nella Memoria di dare al detto Padre Beniamino o qualche altro missionario una facoltà straordinaria di amministrare il Sacramento della Cresima . . .*"

<sup>9</sup> Prop., *America Centrale*, i. ff. 544<sup>v</sup>, 545<sup>v</sup>; June 4, 1771, to Stonor; *Estratto* of Stonor for the Propaganda.

<sup>1</sup> Georgetown Coll. Transcr., September 7, 1771, Cardinal Castelli; countersigned, Stephen Borgia, secretary.—*Researches*, xxi. 133, 134.

<sup>2</sup> Prop., *Amer. Settentrionale, Canada*, i., f. 301<sup>v</sup>; P.S. to letter, October 15, 1772.—*Cf. Researches*, xxi. 135.

during the seventeen years that had passed since the question of Confirmation was opened.

Bishop Briand referred to Father Bernard Well, a Jesuit in Canada. Well wrote to Philadelphia, and Father Ferdinand Farmer answered in a very full letter (April 22, 1773). Living in the least intolerant of the colonies, his opinion nevertheless was, that the appearance of an ecclesiastical dignitary would excite a dangerous commotion. Minds were already irritated because a Catholic bishop had been conceded to Canada by the British Government. Farmer referred to the long campaign against an Anglican episcopate. On the back of this Philadelphia letter, written in Latin, an endorsement was put at Quebec in French, stating that it "gives the reasons which Mgr. Briand, Bishop of Quebec, advanced to the Sovereign Pontiff for not executing the order which he had received, to go into the American colonies and give Confirmation to the Catholics."<sup>3</sup>

The bishop's reasons for not using the powers, 1773.

No one was mistaken here. Thirteen years of English domination in Canada had shown what a handful of British adventurers could do in bestriding a Catholic population of some eighty thousand souls. As we have already heard Governor Carleton say, every "Protestant butcher or publican that became a bankrupt" must thereupon become a justice; "they cantoned themselves upon the country, and many of them rid the people with despotic sway," imposing fines which they pocketed; and Carleton explained that these British adventurers were from every realm under the sun.<sup>4</sup> On the colonial side of the border, a hundred years and more had shown, not what a handful of such adventurers could do with a population, but what a great population, growing to over a million from every clime under the sun, had done in bestriding a handful of Catholics among them. The very next year, after Bishop Briand's abstention from a visit, exhibited the lengths to which people in the colonies were prepared to go. The Philadelphia Congress of that year, 1774, told the king in an address, that his claim to the Crown of England was the Protestantism of his family, which had been called "to rescue and secure a pious and gallant nation from the Popery and despotism of a superstitious and inexorable tyrant." Then, with an obsequious sneer, they proceeded: "Your Majesty, we are confident, justly rejoices,

Validity of the reasons.

<sup>3</sup> Quebec Dioc. Arch., April 22, 1773.—*Researches*, xxi. 118-120.—*Of. supra*, p. 183.

<sup>4</sup> P. R. O., *Quebec*, i., *Entry-Book*, 375, No. 32, Carleton, Quebec, April 25, 1770; *Ibid.*, No. 28, same, March 28, 1770.—*See supra*, p. 429, note 11.

that your title to the Crown is thus founded on the title of your people to liberty." They explained what it was that outraged their sense of liberty and loyalty. Though just on the point themselves of subjecting British freemen, governors and Crown to repudiation, exile and confiscation, they execrated the Quebec Act establishing in Canada "the Roman Catholic religion throughout those vast regions that border on the westerly and northerly boundaries of the free Protestant English settlements," and subjecting "British freemen" to Canadian laws. The close of their petition included an appeal to the king in the name of God: "For the honour of Almighty God, whose pure religion our enemies are undermining."<sup>5</sup> And so the American Revolution developed, one motive power being the religion of anti-Popery.<sup>6</sup>

<sup>5</sup> P. R. O., *Plantations General*, 278, pp. 473, 476, original document, with 50 signatures, from "Henry Middleton" to "Edward Rutledge." "Received, 21st December, 1774."—Cf. *Amer. Hist. Review*, xix. 44-64, C. T. van Tyne, "Influence of the clergy and of religious and sectarian forces on the American Revolution."—As to the declamation about British freemen being subjected to Canadian laws, see Lord North's observation, *supra*, p. 429, note 11. In any case, it was this brewing of the American Revolution which had given occasion to the tolerance in the Quebec Act, as well as in the Catholic Relief Act, passed in this very year, 1774. (Cf. *supra*, p. 168.—Amherst, i. 68.)

<sup>6</sup> A singular theory has recently been propounded in America, ostensibly taking for its text the letters of Challoner in general, but like other placets of modern history dispensing itself from any citation in particular. Some portions of the Challoner correspondence given by us above had been published by Shea (ii. 50-60), and also by the editor of the *Researches* (xii. 44, 45; xiii. 85-40). Omitting entirely the one reason put forward by Challoner for a vicariate apostolic, that of Confirmation for the faithful, the theory read out of his letters the following points: That a great misfortune, not specified, had befallen the Catholic Church in America, inasmuch as a diocesan bishop should have been installed in the colonies some thirty years or more, before Challoner began to write on the subject; and that it was the Jesuits who had obstructed the institution of such a bishopric. This latter point the theory confirmed by facts in other countries, to wit, that the Jesuits had opposed the institution of bishoprics in England, and so had destroyed the Catholic religion there; that they had not applied for a bishop in Japan, and had been the destruction of religion there too. Thus did the theory despatch all Jesuit history, from the Falls of the Potomac in America to beyond the Yellow Sea in Asia. Compare herewith the particulars given *supra*, p. 84, note 3.

The facts alleged, and said to be derived from Challoner's letters, are not to be found either in his correspondence, or in the correlated papers of the Propaganda (*Acta; America Centrale; Antille; Canada*). There was one certain fact, but it did not transpire in the statement of the theory; that, in 1765, a direct opposition was made to the institution of a vicariate, and that it came from the side of the Catholic laity. But possibly Charles Carroll's affirmation to this effect, and his assertion that the Jesuits had nothing to do with his own action in the premises, may not have been thought fit to merit consideration, seeing that Carroll was only an American, and should not be presumed to know anything about things American, or matters of his own time, liberty and fortune—no more than Catholics usually have been presumed to know anything historical about their own affairs. (Cf. *History*, I. 118, *ad* note 3.)

The theory was expressly based upon a principle that, wherever there are faithful, there must a bishop in ordinary be, having a diocese, and a "diocesan clergy depending on the bishop"; and, if this divine order of the Church is violated, the Church violates it at her peril. Such a principle, which is not new, is notably untrue, if we regard the policy of the Propaganda, and that of the Sovereign Pontiffs.

§ 240. In the same letter (October, 1772) which conveyed to the Propaganda Bishop Briand's original intention of visiting the English

The Propaganda we find formulating the practical maxim: "*Vel instituitur missio formata, vel nihil.*" (Prop., Acta, April 5, 1659, 17<sup>o</sup>.—See *supra*, p. 85, ad note 5.) The variant suggested here by the theory: *Vel instituitur diocesis formata, vel nihil*, would be nihilistic, if applied to the problem of evangelizing the world. It would clearly have been nihilistic in America, where there were no secular priests to form a "diocesan clergy depending on the bishop"—though the theory rather innocently took it for granted that there was some such clergy, while it failed to suggest, whence the lonely bishop himself was to be imported.

The Sovereign Pontiffs passed over the idea of dioceses in missionary countries, even under the aspect of bringing Confirmation to the faithful. As early as 1652-1663, the question of a bishopric for the West Indies was patronized by the Duke de Ventadour. (History, I. 299, 307.) The matter was shelved in favour of the prefectures, Carmelite, Dominican, Jesuit. From 1761 onwards, Benedict XIV. made all pleas for bishoprics on account of Confirmation mere anachronisms. He conferred on Jesuit, Dominican and Carmelite prefects apostolic the power of administering that Sacrament. Twelve years later (1763), when secular priests were taking the place of the Jesuits in the French West Indies, Clement XIII. made it known that, as soon as he should learn the names of the new prefects—secular priests—he would bestow on them a similar power. (Prop., Acta, July 30, 1770, 9<sup>o</sup>.) In Florida soon afterwards, Dr. Peter Camps, parish priest of the Minorcans, received powers to the same effect for a term of twenty years. (Shea, ii. 98, 198.) In 1784, the first faculty conferred on John Carroll, priest, with the prefecture apostolic over the United States, was, as he wrote to Plowden, "a grant from the Pope to confer Confirmation." (Md.-N.Y. Prov. Arch., February 27, 1785, to C. Plowden.)

This theory of Jesuit obstruction and destruction, as brought into American history, is novel for America; but it is only a reversion to ancient material used in the Chalcedon controversy of England (1625-1681). See the propositions, given in History, I. 216, note 8. To them we may add the following, perfectly Gallican or Jansenistic: As to the inexorable necessity of a diocesan bishop wherever there are faithful, it was propounded, that like the universal Church which has one supreme pastor, so all particular Churches must by Divine right have their bishops and pastors. It does not suffice that the faithful be united to the Bishop of Rome, for he is only the Bishop of Rome, but they must be united to a bishop of their own, who has them for a diocese of his own. That form of government which is vested in pious and learned priests (prefects apostolic) is aristocratical or anarchical, which it is as impious to tolerate in a portion of the Church, as it would be to tamper with the constitution of the Church universal. In keeping with a number of such Gallican propositions, which were advanced by Kellison, Hallier, Petrus Aurelius (the Jansenist Abbé de St. Cyran), and of which a Jansenistic justification may be seen at large in *Les Annales de la Société des soi-disans Jésuites*, iii. 469-458, the subject of Confirmation was made to figure in a guise of which the two following propositions are a sample: It is in the highest degree doubtful, whether the power of confirming can be vested in a simple priest. The Sovereign Pontiff would sin, if he committed the power of confirming to any one save a bishop; just as he would sin, if he permitted Consecration in matter dubious, with danger of sacrilege. (*Anglia, Hist.*, iii. 469-477, *Propositiones quasdam collectae ex libris R<sup>m</sup> Chalcedonensis, aliorumque auctorum, qui ipsius causam defenderunt*, with references.)

But, Gallicanism and Jansenism apart, if, as may have been implied in the theory, the political danger set forth by the people of Maryland was not substantial, one need but consult the facts presented in the foregoing pages of this volume to determine whether there was substance in the laity's plea or not. Placed in the balance, the one danger of Maryland will probably outweigh the eight reasons which, on this very subject of importing an English bishopric, were submitted to the Holy See, in 1624, by the clergy of Scotland. They asked to be excused, and they were excused, from admitting the jurisdiction of the English vicar apostolic, Bishop of Chalcedon, for the following eight reasons: 1. The inveterate hatred between the English and Scotch nations; 2. Alexander III's decree (450 years before!), that no Englishman should ever have jurisdiction over a Scotchman; 3. the right of the Scots to be consulted; 4. the ignorance of the English about things Scotch; 5. the reserved cases which the bishop might make for the secular clergy, placing them at a disadvantage

colonies, if Carleton's permission could be obtained, the prelate spoke with high commendation of the Jesuits in Canada, as well as of the Recollects. He went on to say: "But neither one nor other Order has leave to receive [*new*] members. I have petitioned the King of Great Britain for this, in an address signed by the clergy and people. I fear much that I shall not succeed."<sup>1</sup> He was alluding to Father George Hunter's appearance in Canada (July, 1769), and the mission of the same Father to Great Britain with an address to the king.

Religious  
vicissitudes,  
1760-1772.

Two despatches of General Carleton, Governor of Quebec, give the history of Hunter's visit, as far as the governor understood its meaning. The petition of the bishop and his clergy, as well as another petition from the laity, both addressed to the king, exhibited the ostensible result of the visit. Carleton divined that other objects were in view, as that of reinforcing the local clergy; and he disapproved of them. But, beneath all, there was a purpose which Hunter possibly communicated to no one except the Jesuits themselves.

The old order of things was changing rapidly. In 1760, Canada became English. In 1762-1764, the great campaign of the Parliament of Paris against the Society of Jesus ended in the expulsion of Jesuits from all realms under the dominion of the French. Father Sebastian Meurin, lonely survivor of the flourishing Louisiana mission, received from the Holy See for his country of the Illinois extraordinary faculties, such as had never been granted to any "bishops, vicars apostolic or missionaries in America" (September 4, 1765).<sup>2</sup> The aide-de-camp of General Gage, commander-in-chief of the British colonies, wrote to Father Harding at Philadelphia (June 24, 1766), "requesting him," as Carleton reported, "to recommend a priest of that religion [*religious Order*], if he knew of any well attached to his Majesty's person and government, to go to the Illinois; the king's new subjects in those parts having repeatedly

in face of the regulars; 6. the greater facility with which recourse might be had beyond the sea to a continental nuncio, or even the Pope, who knew much more than those far-off English beyond the Tweed, *latentes illi in itinere terrestri longe distantes Angli*; 7. the embers of hatred glowing again; 8. as to Orders and Confirmation: Far better was it to have none of these *indocti, vagabundi, rudes et inexperti* priests from seminaries and monasteries; and Confirmation could be dispensed with in view of such manifest damage, *damna manifesta*—there being no fault on the side of the Scots, the bishop certainly never meaning to visit Scotland, and the Scots with equal certainty never meaning to receive him, if he did. (Engl. Prov. Arch., *Roman Letters*, ii. No. 61, "*S<sup>m</sup>o D<sup>no</sup> N<sup>ro</sup> pro Clero Scoto*."—Cf. Brady, iii. 71. 72.)

<sup>1</sup> Prop., *America Settentrionale, Canada*, etc., i. f. 301; October 15, 1772.

<sup>2</sup> *Supra*, p. 589, note 8.

applied to him for that purpose.”<sup>3</sup> At General Gage’s own desire a priest was sent in 1768.<sup>4</sup>

While these events were in progress, a register of the Propaganda, for some date about 1763, just prior to the dispersion of the Jesuit missions in the French dominions, introduced the Canadian list with these words: “The Mission of Canada, not yet united, but about to be united to the English Province of the Society of Jesus.” At a date some nine years later, Father Thorpe, writing from Rome in 1772, spoke of an ineffectual attempt on the part of the Jesuit authorities to change the superior in Canada. He said: “The superior of those missions was to be changed, but for fear of offending the English Government, another is only named *in casu mortis*.”<sup>5</sup> Since there could be no difficulty with the English Government about such a domestic substitution as that of some French Father in Canada for Father Augustine de Glapion, we understand the change proposed to have been that of the Maryland-Pennsylvania superior taking Canada under his jurisdiction. Though Carleton did not catch this precise phase of the situation when Father Hunter appeared, still his answer to the Father struck right at the heart of the question.<sup>6</sup>

<sup>3</sup> P. R. O., Quebec, i., *Entry-Book*, 375, No. 16; Quebec, July 17, 1769, Carleton quoting the aide-de-camp’s original letter which Hunter showed him.

The liberality towards Catholics, shown in this one particular by General Gage, commander-in-chief of the regular army, had much to stimulate it then, and even more later; as when three patriots wrote from Westminster, N.Y., to the Provincial Congress, June 9, 1775, offering to raise a regiment in their county against “Regulars, Roman Catholics and Savages at the northward” (*Researches*, xxv. 45, 46). An offset to this was the bundle of blank commissions which Major-General Howe put in the hands of Major-General Clinton, for raising officers among the provincials at any cost (1776); and, when a couple of years later, in 1778, Sir Henry Clinton was appointed to succeed Howe, he was instructed on “the great advantages which must follow from drawing over from the rebels the Europeans in their service,” and from winning with promises as many deserters as possible among apprentices and indented servants. In these despatches of Howe and Lord George Germain, there was not a trace of the old secular clause: “except Papists.” The Rev. Jonathan Boucher observed of Catholics: “Their principles, no doubt, led them to side with the Government.” The loyalty of Catholics to established authority was known to everybody; but nobody disclosed it, till revolution came. (P. R. O., 181, pp. 121-123, W. Howe, Boston, January 22, 1776, to Dartmouth.—*Ibid.*, 183, p. 85: “Most secret,” Germain, March 8, 1778, to Clinton.—Boucher, p. 241, “Advertisement.”)

<sup>4</sup> P. R. O., Quebec, i. *loc. cit.*; apparently a priest of the Seminary of Quebec.

<sup>5</sup> Ston. MSS., A. iii. 15, January 12, 1772.

<sup>6</sup> Prop., *Scritt. rif., Missioni, Miscellanea*, i. f. 396, register of the Canadian mission. The state of the French Jesuit missions in general, at the time when this Propaganda document put them on record, merits a place here. The date is between the cession of western Louisiana to Spain (1762) and 1764, when the Jesuits were deported from eastern Louisiana. We supply obvious accents.

“Names of the Fathers and Brothers who are now in the missions of the French of the Society of Jesus.

“The mission of Canada, not yet united, but to be united to the Province of



In a despatch of July 17, 1769, Governor Carleton stated the fact of Mr. Hunter's arrival in Quebec by way of the Lakes, and of

England of the Society of Jesus—*Missio Canadensis nondum unita, sed unienda Provinciae Angliæ Societatis Jesu.*

"The principal stations are the city of Quebec, the city of Montreal, and divers missions among the savage Iroquois, Abenakis, etc.

"Father Augustine de Glapion, superior general. Fathers John Bapt. de Saint-Pé, Daniel Richer, Peter René Floquet, John Bapt. la Brosse, Stephen Girault, Anthony Gordan, Joseph Huguet, Bernard Well, Charles Germain, Simon Gonnon, Godfrey Coquart, Peter du Jaunaes [!], John Bapt. de la Morinie, Marin le Franc, Peter Potier, J. B. de Salleneuve. Brothers Alexius Maquet, James Phil. Dohen, J. B. Noel, Joseph Casot, Peter Gournay, Stephen Racine, Peter de Meus.

"Mission of Louisiana, or of the River Mississippi, not yet united, but to be united to the Mexican Province, since the countries which are on the right bank of the river have come under the dominion of the King of Spain.

"The principal station is the city called New Orleans, with various missions scattered here and there.

"Father Louis Carrette, superior general. Fathers William Morand, Michael Boudouin, J. B. Aubert, Julian de Verney, Philip Watrin, Sebastian Meurin, John le Prédour, Maximilian le Roy, Nich. Lefèvre. Brothers Simon Maillard and Julian Pernelle.

"Mission of the islands of Martinique and Guadeloupe.

"Fathers Nich. Prestrel, superior general; Anthony Valous, F. X. Bruni, John Cathala, Roger Aloys. de Magloire, Gabriel Moreau, William Fayard, John Mergaux, Peter Schaack, Philip Bourget, J. B. Bouche, Francis Hyacinth Bouché. Brothers James Collet, Louis Peyrouny, Martin Jos. de Baog, John Nich. Lebassey, Christopher Mangin.

"Mission of the island of San Domingo.

"Fathers Louis Rivière, superior general; Joseph Bourget, Peter Jos. des Marest, Peter James de Saint-Calais, William Langlois, Peter du Saunier. Brother Pontius Charlier.

"Mission of the island of Cayenne and the continent adjacent.

"Fathers Alexius Ruel, superior general; Eléazar Fauque, Matthew Carnave, Philip Daverdoine, Jos. d'Ausillac, Philip O'Reilly, Philip d'Huberlant. Brothers Louis Dorez, Sebastian Carpentier, Nich. Brigalant, Charles Millet." There follows:—

The mission of Greece, with six stations at Constantinople, Smyrna, Chios, Naxos, Santorino, Thessalonica. Nineteen Fathers, and four Brothers, all named.

The mission of Syria and Egypt, with six stations at Tripoli, Antura, Sidon, Damascus, Aleppo, Cairo. Ten Fathers and seven Brothers.

The mission of the East Indies, with no fixed station because of the war between English and French. Fifteen Fathers and six Brothers.

The mission of China, with the principal stations at Peking and Macao, and various missions in divers places, especially in the province of Houkouang. Seventeen Fathers, of whom five are Chinese:—J. B. Thomas Licou Sinensis, John Stephen Kao Sinensis, Francis Xav. Lan Sinensis, Paul John Francis Regis Licou Sinensis, Petrus Chin Sinensis. Brothers, Ægidius Thébaud, John Denis Attiret, Joseph Teheou, a Chinese.

"Index of the missions of the French Fathers of the Society of Jesus, as they now are; and the names of the missionaries as well as of the Brothers Coadjutor who are in them." (*Loc. cit.*, ff. 896-899.)

From a Propaganda document for 1761, two or three years earlier, we have a sketch of how nineteen Fathers and seven Brothers were distributed at that moment, in the Canadian part of the French North American continent: "In the College of Quebec, 4 priests, 5 brothers; in the residence of Montreal, 2 priests, 1 brother; among the Hurons, 1 priest; among the Iroquois, 8 priests; among the Abenakis, 4 priests; among the Ottawas, 8 priests, 1 brother; in a remote region, 2 priests" (*Prop., America Setentrionale, Canada, etc.*, i., f. 181).

From all this it appears that the provision made for the North American continent, consisting of 27 Fathers and 9 Brothers for the territory from Quebec to Louisiana, and north-westward as far as Lake Superior, was the largest of all in the French Assistancy. It is also evident that when, by one stroke, 118 missionary Fathers as just registered, all picked for the service, and speaking the native

his visit at once to Carleton. Hunter, wrote he, "fairly acknowledged what he was; his pretence, however, for coming hither at present appears extremely slender," that of the letter received by Father Harding from Gage's aide-de-camp, three years before. After stating the purport of that letter, and mentioning that at "General Gage's own desire

Governor  
Carleton on  
Father  
Hunter's  
mission, 1769.

a priest was sent last summer from this province to the Illinois," Carleton proceeded: "As ever since my arrival here I have strictly attended to the suffering of no new professions in the only two Orders of regulars we have, the Jesuits and Recollects, agreeable to the King's intentions signified by Lord Halifax to Governor Murray; or to admit the function of any of their bretheren from foreign colleges, I instantly declared to him, I neither could nor would permit him to remain, and he must without delay depart from hence, which he is very shortly to do in a ship for Britain." Carleton enlarged upon this to Hunter: "I represented to him that a bishop was allowed the Canadians that they might have the advantage of a provincial clergy; and that any accession thereto from abroad, even from the King's other dominions, was altogether unnecessary, and would never be allowed. This reception, which otherwise was as civil as possible, will I believe prevent any more such visits, and put a stop to the hopes those Fathers may have conceived of gaining a settlement for their exiled [*French*] bretheren." He added that the Canadian Jesuits had been for some time fostering the design of a petition from the Canadians to the King, for the preservation of the Order in Canada.<sup>7</sup> Three weeks later, Carleton stated the sequel in another despatch of August 7, 1769. Mr. Hunter, he wrote, "is now embarking for Britain. He is bearer of a petition to the King, signed by sundry of the laity, and of another from the bishop and clergy resident in and near this town, of which the enclosed is a copy, requesting the continuance of the Order of

languages, men highly trained, and acting under the perfect discipline of the Society, were swept away from the missionary world,—not to mention the 89 Brothers, largely artisans, and ready to turn their hand to every work,—a void was created, which it surpassed all the power of ecclesiastical authorities to fill, as the event rapidly proved. And yet the case of these 152 French Jesuits was only one partial incident in sweeping clean the missionary world at the time of the Suppression. The havoc caused in the ramifications of the Spanish and Portuguese Assistancies was beyond the power of description. All Central and South America was affected, with the Philippines, China, Japan, Hindustan, and Africa East and West.

To the same degree was prejudiced the policy of forming native clergy, as the existing proportion just mentioned of five Chinese Jesuit priests among seventeen Fathers sufficiently indicates.

<sup>7</sup> P. R. O., *Quebec*, i., *Entry-Book*, 375, No. 16; to the Earl of Hillsborough.—Cf. *Researches*, viii. 182, 183.

Jesuits in this province, for the education of youth, and to be employed in missions to the savages." Carleton mentioned then some of the funds formerly possessed by the Jesuits for the Indian missions and the college of Quebec.<sup>8</sup> We have quoted the passage above.<sup>9</sup>

With this quarantining against any accession to the Canadian clergy "from abroad, even," as Carleton said, "from the King's other dominions [*Maryland, etc.*]," and with what seems to have been a reverential timidity of Canadian ecclesiastics in face of the British Government,<sup>10</sup> it is not strange that, when four years afterwards, the Bishop of Quebec was desired by the Holy See to visit the British colonies southwards, he should have thought it more prudent to act on Father Farmer's suggestion and stay away. As to the petition for the preservation of the Order, in the interest of both education and public policy,<sup>11</sup> Bishop Briand was still expecting an answer from London three years after date. So he told the Propaganda in the same letter (October 15, 1772) which announced his first steps in the affair of visiting the British colonies.

<sup>8</sup> P. R. O., *loc. cit.*, No. 22.—Cf. *Researches*, viii. 184.

<sup>9</sup> *Supra*, p. 350.

<sup>10</sup> Space and dates (1802, *seq.*) do not allow us to sketch the operations of the Irishman, Edmund Burke, vicar general, and subsequently first Vicar Apostolic of Nova Scotia. On that very same ground, where a Governor Lawrence had ridden rough-shod over the Acadian *habitants*, Burke had indeed a hostile local government against him; also Charles Inglis, a quondam New York Episcopalian, now Bishop of Nova Scotia, who was prying about for penal laws to prosecute any Catholic teacher; and, moreover, Lord Hobart, Secretary of State, who was supporting the local government against the Irish Catholic evil; yet Burke went his way, not incautiously, but snapping his fingers at them all. The Governor of Nova Scotia sent him a formal monitory through Uniacke, attorney general, that no licence would be given for any such Catholic school as Burke was contemplating; but, added the governor to Lord Hobart: "Mr. Burke still persists in erecting the building." Burke wanted the Rev. Mr. Zocchi, an Italian Paccanarist then in Quebec, to come and take up quietly the work of teaching. He wrote to Bishop Plessis of Quebec: "The government will not have anything to say to him, nor he to the government. We Irish do not expect anything from the government. We have no position, and nothing to rely on except our arms, which, thank God, are pretty strong." And, as to Zocchi's asking permission of the English Government, Burke caustically remarked: "There is no use in asking help of the devil to combat iniquity." He wrote again (September 21, 1808): "We Catholics are sending a petition to his Royal Highness, the Duke of Kent. . . . Eventually they will be forced to grant us what the law allows." (O'Brien, pp. 82, 88.—Cf. *supra*, p. 413, note 1.)

One or two such men in Quebec, at the time of the cession, would have given, no doubt, an entirely different turn to the ecclesiastical history of Canada—especially if they had with them a handful of their own kind, more than a match for the handful of British adventurers. The state papers of the London Record Office show the vantage ground ceded to the English Protestant government during forty years and more by the mere timidity of the Canadian ecclesiastics. "*Non quis sed quid*," wrote somebody to the Archbishop of Canterbury, in 1768. (Lambeth Pal. Arch., 1123, iii. No. 299; March 25, 1768.) With an Edmund Burke or his like, there would have been, not only *Quid*, a prime case, but *Quis*, a prime man.

<sup>11</sup> P. R. O., *Colon. Corresp., Canada (Quebec)*, 6, B. 15, enclosure to No. 22, *supra*, note 8; a copy.

§ 241. But the very next year, 1773, witnessed the total suppression of the Order. Then began in Canada the thirty years' campaign over the dead body of Hector,—that is, the destination of the Jesuit estates, the succession to the Jesuits' place in education, and, last but not now least, the evangelizing of the savages, that work which had been the first and the greatest in the career of the Jesuits during one hundred and sixty years.

Southwards, in the English colonies, the Fathers no longer Jesuits maintained their union as ex-Jesuits, stayed at their posts, kept the property intact, and enlarged it for the same ecclesiastical objects as of old. One of them, John Carroll, becoming prefect apostolic, and then Bishop of Baltimore, solved in his own person all the problems which had agitated the counsels of the Vicar Apostolic of London. These were the questions of Confirmation, a bishopric, and a temporal maintenance. Confirmation was conferred from 1785 onwards by Carroll, first as priest, and then as Bishop of Baltimore. The bishopric was instituted in 1789. The Jesuit temporalities, which had been administered in an informal way from the time of the Suppression (1773) till 1783, were then vested in the trustees first of an ex-Jesuit Chapter, and finally of the same Chapter legally incorporated by the State of Maryland, and denominated the "Corporation of the Roman Catholic Clergymen." Thus constituted, in a Chapter and Corporation, and further on restored to their original status as Jesuits by the revival of the Order in America (1805), the ex-Jesuits provided a maintenance for the two first Bishops of Baltimore, who belonged to their own body, the ex-Jesuits John Carroll and Leonard Neale. The process by which these events developed we have explained minutely in a Documentary Excursus attached to another part of this work.<sup>1</sup>

Solution of the  
bishopric  
difficulties:  
John Carroll.

At a much later date, Jesuits who had not been on the ground at the time of the Suppression, spoke of the last superiors prior to that event as having been vicars general of the London vicar apostolic.<sup>2</sup> But Father Ferdinand Farmer, who was one of the twenty-three men on duty at the time in America, makes a statement which seems to have

The ex-  
superior be-  
come vicar  
general, 1773.

<sup>1</sup> Documents, I., Nos. 145, 146, 151, 155, 157, 164, 168, 169.

<sup>2</sup> *Ibid.*, I. No. 75, A; O. Neale and B. Fenwick, November 22, 1822.—Georgetown Coll. MSS., blank book (B. U. Campbell), f. 29 bis: "From Bishop [B.] Fenwick's letter: In June, 1774, the priests in Maryland were: 1. George Hunter had returned from England, 18<sup>th</sup> May, 1770. Was Vicar Genl and Sup<sup>t</sup> of the Mission. 2. . . ."—Twenty ex-Jesuits are registered here for Maryland, and four for Pennsylvania, all with their respective stations (1774).—Compare Documents, I.

been more in literal accordance with the facts. In 1778 he wrote to an ex-Jesuit in Europe: "After the Suppression all our missionaries remained in their own places and offices (I speak of Pennsylvania and Maryland); yes, and they continued their manner of life, with the single change of the office of Provincial [*mission superior*?] into that of vicar general."<sup>3</sup>

Other American Jesuits then returned from Europe. Thirty-two years after the Suppression, several of them were still surviving, and re-entered the Order in 1805, when it was privately restored by Apostolical authority within the Federal Union. At the time of the universal restoration which took place in 1814, there were only three survivors of the ancient Jesuits, Charles Neale, Leonard Neale, Bishop Coadjutor of Baltimore, and John Carroll, Archbishop of Baltimore.

Some ex-presidents of the United States gave their opinions on this revival of the Order. John Adams, who as a young man twenty years old (1765) had found only "nonsense and delusion" in the idea of a priest, and was happy to see that a Jacobite or a Roman Catholic was as rare in America "as a comet or an earthquake," wrote, when he was seventy-one years of age (May 6, 1816), to Thomas Jefferson: "I do not like the late resurrection of the Jesuits. They have a General now in Russia, in correspondence with Jesuits in the United States, who are more numerous than everybody knows. Shall we not have swarms of them here, in as many shapes and disguises as ever a King of the Gypsies, Bampfylde Moore Carew, himself assumed, in the shape of printers, editors, writers, schoolmasters? If ever any congregation of men could merit eternal perdition on earth and in hell, it is this company of Loyola. Our system, however, of religious liberty must offer them an asylum. But, if they do not put the purity of our elections to a severe trial, it will be a wonder."<sup>4</sup> Whereunto Jefferson replied, on August 6: "I dislike with you the restoration of the Jesuits, because it marks a retrograde step from light towards darkness."<sup>5</sup>

No. 141, H, the autographs.—"Vicar Gen!" here may mean Prefect. See Appendix F., No. 114.

<sup>3</sup> Documents, I. No. 189, p. 958, note 6.

<sup>4</sup> *Researches*, xix. 77, Adams in the *Boston Gasette*, August, 1765.—*Ibid.*, xxv. 892, from Adams' *Works*, x. 219.

<sup>5</sup> *Researches*, xxv. 892.—In the same year, 1816, a New York publication, "Observations by a Protestant on a Profession of Catholic Faith, and with the authority of the Rt. Rev. Bishop Carroll," seemed to indict "weak and credulous Protestants" for criminal complicity in the zeal of Romanists, who were stimulated,

Nevertheless, knowledge flowing from a more copious source, and a purer one than the *New England Primer*, which showed to children, on the front of it, the Pope stuck round with darts,<sup>6</sup> expanded into a stream of observations, more germane to the subject, and broad enough for us to leave the topic with a less dissatisfied sense of proportion.

We find cited a writer in the *North American Review*, 1841, for a passage which, borrowing the splendour of Macaulay's phrases, has endeavoured to diffuse their radiance with much liberality over the Society of Jesus. "Nothing," said he, "is more remarkable in the history of the Jesuits than their bold enterprise in spreading their faith over this boundless wilderness, in defiance of the most appalling obstacles which man and nature could present. Faith and zeal triumphed over all; and, combined with science and the spirit of adventure, laid open unknown regions in the heart of this vast continent, then roamed over by the buffalo and the savage, and now alive with the busy hum of an industrious and civilized population. The character of this Order, and their fortune, form one of the most remarkable objects for contemplation in the history of man. Springing up, as it were, to prop the crumbling edifice of Catholicism, when it was reeling under the first shock of the Reformation, it took up its residence indifferently within the precincts of palaces, or in the boundless plains and forests of the wilderness; held the consciences of civilized monarchs in its keeping, and directed their counsels; while at the same time it was gathering barbarian nations under its banners, and pouring the light of civilization into the furthest and darkest quarters of the globe."<sup>7</sup>

In 1903, an author treating of the eighth period in European history, that of Modern Europe in the nineteenth century, described what he called the "romantic movement . . . tinged with idealism," in the religious reaction of the age just past. "Its religious side," he wrote, "is represented by the wave of Catholic revival which spread through western Europe, and which is not yet spent. The Ultramontane movement in France and Germany, 'Tractarianism'

among other things, by "the revival of the Order of Jesuits, so formidable to sound morals and evangelical truth" (*Ibid.*, ix. 98).

<sup>6</sup> *Researches*, xxv. 255, 256; from Brit. Mus. MSS., *Egerton*, 2671, pp. 171, 172; where the writer ascribes to this origin, combined with the 5th of November bonfire of the Pope and the devil, the specific American savagery of "tarring and feathering."

<sup>7</sup> *Ibid.*, viii. 191; from *N. Amer. Review*, January, 1841, p. 89.—The thought and style here are evidently inspired by Macaulay's essay of the previous year (October, 1840), on "Rank's History of the Popes"; in which review the writer treated the Catholic Church and the Jesuits to the choicest bouquets of his literary deftness, right-handed and left-handed.

in England, the orthodox revival in the Lutheran churches, are all but variations of a common tendency ; of which the outward and visible sign was the reconstitution, in September, 1814, of the Order of Jesus by Pius VII., a fact as momentous and significant as the foundation of the same Order in the sixteenth century.”<sup>s</sup>

§ 242. In a romantic mood religion might possibly be classed under “romanticism,” as the last-mentioned writer essayed to do. We, being of a serious mood, cannot leave it there.

We are closing this volume with the old order of things changing. But the shifting of scenes, political, commercial, or sentimental, introduces no change into the order of man’s attitude towards God. That is religion ; not romance. It is the religious duty of knowledge, fidelity, and worship, each as fixed as man is, as God is, and as the relation that springs out between them ; each as plain in statement as it is fixed in essence, and more so than “the stars, the thoughts of God in the heavens,” which shine on the eyes of men.

Plain, conspicuous, and very matter-of-fact is the Institution divinely founded, built, roofed, and furnished, to house the millions of human units who have all the same duty of religion towards God, and to tell all the same things as dogmatically, as mathematics pure or applied inculcates its dogmas without appeal. The Institution was divinely revealed to be founded on a rock, against which many waters, turbulent and chilly, would break their swelling waves.

Though the essence of the Institution is not at all romantic, still beauty, art, and harmony attend with their homage :

“ We all  
Are ready at thy pleasure, well disposed  
To do thee gentle service.”

But its spirit is as far beyond them as the music of the spheres is beyond the strain of a lute. It incorporates the knowledge of essential duties, the means of religious life, and all the authority requisite for the purpose. Without it, or with the strains of an idle singer on an idle day made a substitute for it, humanity stands bewildered like the shipwrecked prince upon the beach :

“ Where should this music be, i’ the air or the earth ?  
It sounds no more ! ”

This possession of an authority divine, having its title in eternity, a rationalist has discovered and disclosed : “Catholicism,” he says,

<sup>s</sup> Phillips, p. 8.—The matters which we have touched on in these last paragraphs belong to other series of Jesuit history.

"never can be looked upon as a mere religion. It is a great and highly organized kingdom." Being unacquainted with such essentials of human life and society as the duties of both towards a personal God, he proceeded to portray the Catholic Church and the public organization of religion among men, in the terms of a conspiracy or secret society, with which he was evidently better acquainted.<sup>1</sup>

When a pavilion of this Institution was pulled down, and the world was disencumbered of the Society of Jesus, great was the jubilation at the suppression of "the intolerance and aggressiveness of Catholicism," represented by the Jesuits. In the name of liberty and toleration, of "emancipation from clerical influence" and of the "secularization of governments"—as if the world or any government, *corruptus simul et corruptor*, ever needed to be secularized—the satisfaction felt and expressed may be contemplated at large in the literature of the emancipated.<sup>2</sup> But when only seven years later—to take a little incident from English history, without pointing to the European revolutions some seventeen years afterwards—the anti-Catholic Gordon riots in London showed in miniature what the world was aiming at—not a mere pavilion, nor any tower of observation and defence, but the Institution itself—a French lady said very sensibly about the ways and means employed, that English liberty seemed to be less tolerable than the want of it in France.<sup>3</sup>

The fact is that, as we have seen in all the American colonies, it was never a question of liberty, to live and let live, but of assault and battery; not of emancipation, but of aggression. It was the self-defence of the disinherited, for whom religion had been liquidated in "romance," against the fact and right of possessors. Such a frame of mind the officers of Holofernes were candid enough to confess, when they beheld the Hebrews in possession of an object of beauty, and themselves possessing it not: "Who," they cried, "can despise this people? Is it not right that we should fight against them, and leave not a man alive; or they will circumvent the whole world with their charms!"<sup>4</sup> Accordingly, they proceeded to carry out the programme, which Nabuchodonosor had made known "in the mystery of his counsel," that "he would defend himself," *quod defenderet se*.

<sup>1</sup> Lecky, *England*, i. 385.

<sup>2</sup> Cf. *Ibid.*, iv. 800, 801.

<sup>3</sup> Plummer, p. 165; Madame du Deffand.

<sup>4</sup> *δυνήσονται κατασφίσασθαι πᾶσαν τὴν γῆν* (Judith x. 19). The same idea was expressed on another occasion: "If we let Him alone so, all will believe in Him" (John xi. 48).



We need not go outside of the British statutes for a description of the enchantment exercised by the power of truth, against which the power of self-defence was arrayed. When, under Queen Mary, the nation recanted and returned to the unity of the Church, Parliament prefaced the first statute of its second session in that reign with a beautiful picture of truth; and in its second statute it declared the origin of national evils to lie at the parting of the ways, where the nation had strayed from the truth: "Truth, being of her own nature of a most excellent virtue, efficacy, force and working, cannot but by process of time break out and show herself, howsoever for a while she may by the iniquity and frailty of man be suppressed and kept close; and, being revealed and manifested, ought to be embraced, acknowledged, confessed and professed in all cases and matters whatsoever, and whomsoever they touch or concern, without respect of persons; but, in such cases and matters specially, as whereby the glory and honour of God in heaven (who is the author of truth, and Truth itself) is to be specially set forth, and whereby also the honour, dignity, surety, and preservation of the prince and rule (under God) dependeth, and the welfare, profit, and special benefit of the universal people and body of a realm is to be continued and maintained."<sup>5</sup> "By divers and several acts [*of King Edward VI.*] hereafter mentioned, as well the divine service and good administration of the Sacraments, as divers other matters of religion, which we and our forefathers found in this Church of England, to us left by the authority of the Catholic Church, be partly altered and in some part taken from us; and, in place thereof new things imagined and set forth by the said acts, such as a few of singularity have of themselves devised; whereof hath ensued amongst us, in very short time, numbers of divers and strange opinions and diversities of sects, and thereby grown great unquietness and much discord, to the great disturbance of the commonwealth of this realm, and, in very short time, like to grow to extreme peril and utter confusion of the same, unless some remedy be in that behalf provided."<sup>6</sup>

To the beauty and claims of truth the soul which is naturally Christian, as Tertullian says, is naturally quick and sensitive in its heart of hearts; for it cannot be, save under the shadow of Him who, in the words of Parliament, is the author of truth and the Truth itself; nor can it move, save in the shadow of His directing finger,

<sup>5</sup> 1 *Mariae*, st. 2, c. 1.

<sup>6</sup> *Ibid.*, c. 2; 1553.

which is the divine law projected on the conscience within.' To this the American poet alludes :

" When God's shadow, which is light,  
My wakening instincts fall across  
Silent as sunbeams over moss,  
In my heart's nest half-conscious things  
Stir as with a sense of wings,  
Lift themselves up, and tremble long  
With premonitions sweet of song." <sup>a</sup>

And the English poet may be conceived to subjoin :

" For, of all  
The inhabitants of earth, to man alone  
Creative Wisdom gave to lift his eye  
To Truth's eternal measures ; thence to frame  
The sacred laws of action and of will,  
Discerning justice from unequal deeds,  
And temperance from folly." <sup>a</sup>

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<sup>a</sup> Romans ii. 15.

<sup>b</sup> Lowell.

<sup>c</sup> Akenside.



## APPENDICES

- A. THE THREE PROPOSITIONS. OATH OF ALLEGIANCE
- B. THE CONCORDAT. KIDNAPPING
- C. CONDITIONS OF PLANTATION. FEUDALISM. JESUITS
- D. CHARITY AND MORTMAIN
- E. CECIL, LORD BALTIMORE
- F. JESUITS IN AMERICA, 1634-1773



## APPENDIX A

Text, § 79, p. 14 ; § 110, p. 126, note 2.

### THE THREE PROPOSITIONS. OATH OF ALLEGIANCE.

§ 243. The Three Propositions. § 244. The Oath of Allegiance.

#### I. THE THREE PROPOSITIONS.

§ 243. Dr. Henry Holden of the Sorbonne belonged to the same English school as his chief, the noted Thomas White or Blacklow. Both of them enjoyed the distinction in 1641 of being proposed as fit persons to supplant the Jesuits in Maryland.<sup>1</sup> The two had a system of politics, secular and ecclesiastical, peculiar to a certain set. Thus in secular politics, Blacklow advocated the subjugation of Ireland by Cromwell's party ; and he closed a passage on this policy with the sententious declaration : " England helped brings in Ireland : Ireland set up makes the helping of England more hard. If religion have any footing in England, it will be mistres in Ireland ; but it may be mistres in Ireland, and have no footing in England." <sup>2</sup>

Holden devised an oath of allegiance to be saddled on all English Catholics, and he said : " I could find in my hart to go streyght to the Independents Army, and make them demand what either the Catholicks should perform, or els be banisht for traitors ; not for religion." <sup>3</sup> On this key, with ever-increasing violence and infinite precautions not to be discovered, he continued his correspondence, directing the plot ; and in 1647 he did go straight to Cromwell's Parliament with a petition, expressly as " from a Roman Catholick." The sum of it was that the Pope, no less than " any other outlandish person of what quality soever," should be excluded from touching even the spiritual concerns of Catholics in England, " without the knowledge and consent of the oivill magistrate " ; that an oath, herewith submitted, should be " universally taken by all Catholics of what profession soever " ; and he defined the

<sup>1</sup> History, I. 498. Documents, I. No. 19, E.

<sup>2</sup> Pugh, pp. 1, 2 ; White (Blacklow), May 29, 1645, to Holden.—In other places he tells Sir Kenelm Digby that he hopes to have the Jansenists on his side ; and that he means to imitate them. (*Ibid.* pp. 102-104 ; 1650.)—Cf. History, I. 77, *ad* note 2.

<sup>3</sup> *Ibid.*, p. 27, Holden, September 6, 1647, to Digby.

professions, "ecclesiasticall or secular, religious or lay." As to Jesuits, "the most dangerous body," yea, "the most factious," if they or any other regulars did not submit to this Holdenism or Blacklowism, "let them," said he, "be thought unfit members of the commonwealth as things now stand, and therefore lett them be wished to withdraw themselves out of the kingdom, not for their religion, but for the suspicion the State may have of them; which the rest of the Catholickes will not oppose, no more than they did in Venice, and other Catholicke states, much lesse in a kingdom not Catholicke." In a larger draft of his petition, Holden extended this treatment to all Catholics "ecclesiasticall, or secular, or regular . . . the State declaring their banishment not to be for their religion, but for the suspicion it hath of their loyalty, whereat other Catholickes can take no exception, no more than they did at the expulsion of the Jesuits out of the state of Venice, and elsewhere." He instructed Parliament on a proper form of Catholic Church government, which was to consist of six or eight bishops, as independent of the Pope, as they should be dependent on the Cromwellians.<sup>4</sup> Holden uttered a shriek of affright on hearing that Dr. George Leyburne made his appearance in England, and the plot might be discovered—"in my owne hand-writing," he exclaimed with horror. As this *anguis in herba* slid away in the grass he smote with his tail—*venenum in cauda*. Banishment would not be enough for Leyburne. He should get something spicy: "I wish the business were discreetly managed, and, above all things, that nothing be objected against him for religion; that, whatsoever he suffer, it may be as a spy, a brouillon, and a factious fellow."<sup>5</sup> Anti-Popery was never the exclusive privilege of non-Catholics.<sup>6</sup>

While Holden was hatching his plot in 1647, Sir Thomas Fairfax, Commander-in-chief of the Parliamentary army, approached the Catholics on

August 1, and made an offer of accommodation. Penal statutes  
 Parliamentary conditions for  
 the Catholics, 1647. would be repealed, and liberty of conscience granted, if the Catholics submitted to six conditions; of which the fourth

contained three propositions, for repudiation. The conditions were: (1) That no Catholics should bear arms; (2) or hold a public office; (3) or practise their religion otherwise than in their own private houses; (4) or write, print, preach, teach any one of three propositions here stated, under penalty of being prosecuted for treason; (5) or deal with public enemies on public affairs; (6) or claim that the revocation of penal statutes should extend to others than native-born English Catholics.

<sup>4</sup> Pugh, pp. 32-40.—Stonyhurst MSS., *Anglia A*, No. 27: *Scriptum ab Ezimio Dno. Henrico Holdeno, S. T. Doctore Sorbonico, exhibitum Parlamento Anglicano An. Dni. 1647, pro regimine Catholicorum Angliae*.

<sup>5</sup> *Ibid.*, pp. 74-76, s.d.

<sup>6</sup> Warburton himself had a good word for the Jesuits, though very indirectly. He quoted from Bayle, "that one of the reasons why the Jesuits were not acceptable to the Sovereign [*power in Venice*] was because they knew how to preserve the decorum of their character; and so, gaining respect and reverence by a more decent exterior, had it in their power to excite the populace to sedition" (*Alliance*, p. 92, note).

The three propositions prohibited under the fourth condition were: "(1) That the Pope or Church hath power to absolve any person or persons from his or their obedience to the civill government <sup>Three</sup> established in this nation; (2) that it is lawfull in it selfe, propositions. or by the Pope's dispensation, to breake eyther word or oath with any heretique; (3) that it is lawfull by the Pope or Churches command, or dispensation, to kill, destroy, or otherwise injure or offend any person or persons whatsoever, because he or they are accused, condemned, censured or excommunicated, for any error, schisme or heresie."

These three propositions were submitted to ecclesiastics. They subscribed thus: "The premises considered, wee underwritten sett our handes that every one of these propositions may be answered unto in the negative: George Gage [*superior of the secular clergy*]; Thomas Dade [*O.P.*]; Henry More [*S.J.*]; William Penry [*O.C.*]; Bonaventure Bridges [*O.S.F.*]; Philip Champet [*'Champeus,' secular*]; Thomas Carrs [*secular*]; George Ward [*S.J.*]." A Latin account has two more signers: "William Palmes, Benedictine; the superior of the Franciscans, whose name is not given." In saying that these propositions might be answered in the negative, they meant the negative as stipulated for in the fourth condition; to wit, that it should not be lawful to propound the propositions publicly, and inculcate them.

The original paper being deposited with Baron Brudenall, leader and agent of the Catholic party, a copy was sent to Rome, and submitted to Jesuit theologians. Between the 15th and 21st October, 1647, the opinions of seven were given, and signed by the respective <sup>Conflicting estimates of the propositions.</sup> doctors. Two of these are well known as Cardinals, Francis de Lugo and Sforza Pallavicini. The others were John Alvarado, Sebastian d'Abreu, Leo Sanchez, Theophile Raynaud, Anthony Perez. They affirmed individually, that the engagement might be made as proposed. They took note of the three considerations or suppositions on which the signers had proceeded: That penal laws would be abrogated; that Catholics would escape ruin and exile; that non-Catholic friends, who were lending a rescuing hand to the afflicted Catholic body, should not be compromised. The theologians observed that the action taken by the English ecclesiastics did not touch the question, whether the doctrine in the propositions was true or false.<sup>7</sup> But a relation forwarded from Paris (by the nuncio?) "with a preface," begins otherwise; that the Roman Catholics of England, seeing the prejudice done to them by the manifesto of Sir Thomas Fairfax, "if they did not refute the opinion which some have about their religion, as though contrary to the civil government of this kingdom, on account of certain propositions and doctrines imputed to them," and subjecting them to exceptional legislation, "did judge it necessary for the relief of consciences to seek a justification. Wherefore, to remove scandal from the minds and

<sup>7</sup> *Anglia, Hist.*, v. pp. 213-234.—Stonyhurst MSS., A. iv. 13, t. 3, p. 821-824.



opinions of moderate men, they declared the negative of these three following propositions."<sup>8</sup>

The nuncio of Paris wrote to Rome in a critical vein. He observed that there were some words in the propositions, "which can be interpreted in many senses." In the hand of Francis Ingoli, secretary of the Propaganda, there is a canonical disquisition written out. The writer finds the first three conditions which were offered to be permissible; the two last to be captious for want of due limitations; and the fourth, with its three propositions, to merit various distinctions, if civil right, canon law and sound divinity were to be kept intact.<sup>9</sup>

A special committee of Cardinals was appointed to consider the question; and, on November 15, 1647, at a reunion in the palace of Cardinal de Lugo, it decided adversely to the action taken by the English ecclesiastics. On January 13, 1648, the committee finally resolved that there was no need of issuing a Papal brief; it would suffice if the Congregation of the Holy Office published a decree, declaring that the ecclesiastics subscribing had acted against the brief of Paul V., and had therefore incurred a reserved case in conscience; that the French nuncio should be charged with the duty of informing the seculars who were concerned, and the Generals in Rome should take cognizance of what their respective subordinates had done. The committee observed that the whole question was now obsolete, "since the heretics no longer want to tolerate Catholics under any shape or form."<sup>10</sup>

The General Carrafa having ordered Fathers More and Ward to leave England for the Continent soothed their feelings in various ways. He said gently to Father More, that "his Holiness had preferred, when it came to making the decree, rather to follow the information received from the Paris nuncio, than to act on the reports from others." Almost a year later, he put a final seal on the explanations of the two Fathers by an insinuating remark: "*Olim forte proderit magis ea ipsa proferre*, Perhaps a time will come when what you say will be of more use."<sup>11</sup> He added, a couple of months later: "*Multa tempus maturat sanatique*, Many a thing is matured and healed by time."<sup>12</sup>

So ended this effort of the opportunists to take the times as they found them. Fathers White, Morley, More and Ward, were all worsted. Father Ward said of White that he had lent his pen to corroborate the reasons for signing.<sup>13</sup> Rome had replaced the whole question, where

<sup>8</sup> Stonyhurst MSS., B. 1, 15, pp. 27, 178.—*Anglia, Hist.*, v. pp. 269–270.—For specimens of the grounds on which doctrine was imputed to Catholics, see *supra*, p. 126, note 2.

<sup>9</sup> *Anglia, Hist.*, v. p. 404.—Prop., I. *Anglia*, 347, ff. 467, 468.

<sup>10</sup> *Anglia, Hist.*, v. pp. 401–407.

<sup>11</sup> *Anglia, Epist. Gen.*, April 25, 1648, to More at Ghent; January 28, 1649, to More at Watten.

<sup>12</sup> *Ibid.*, April 8, 1649, to More.

<sup>13</sup> *Anglia, Hist.*, v. pp. 355–358, Ward, March 21, 1648, to the General.—In the sources mentioned, documents abound on the Three Propositions.

Paul V.'s brief of September 22, 1606, had placed it, in relation to the oath prescribed by James I.: "We admonish you," he had written, "to abstain entirely from this and similiar oaths, *Monemus vos ut ab hoc et similibus juramentis omnino caveatis.*" An oath prohibited by Paul V., 1606. Urban VIII., May 30, 1626, had repeated and enforced the injunction of Paul V., with regard to "that mischievous and illicit oath of English allegiance, *noxium illud et illicitum Anglicanae fidelitatis juramentum.*"<sup>14</sup>

## II. THE OATH OF ALLEGIANCE.

§ 244. The Massachusetts historical editors, whom we quoted before,<sup>1</sup> say of Urban VIII. that, "after citing the interdicts of Clement and Paul V., in the reigns of Elizabeth and James, as precedents Massachusetts editors on the oath prohibited. for his guidance, he solemnly forbade them [*the English Catholics*] to take the oath of allegiance to Charles."<sup>2</sup> This statement corresponds neither to the time of Charles I. nor to that of any other legitimate king. In the case of an intruder like William III., the Protestant clergy, no less than the Catholics, objected to loading their conscience with an oath not due. Otherwise, there were never scruples about allegiance.

The question was never one of eliciting allegiance from Catholics. It was always that of excluding them from allegiance. The means adopted were those which Parliament itself stigmatized on another occasion; to wit, the imposition of an oath, which "was in itself an unlawfull oath."<sup>3</sup> The laws were cast into the mould of reserving the oath for such as were not Catholics, and preventing those from swearing who remained Catholics. The Catholic Relief Act of 1774 acknowledged this in its preamble, that "on account of their religious tenets, they are, by the laws now in being, prevented from giving public assurances of their allegiance."<sup>4</sup> Like the French Acadians they were prevented from proving themselves subjects; and so, being treated to disloyalty, were punished for it. It was easy to do

<sup>14</sup> Paul V., *Magno animi*. Urban VIII., *Nos semper*.—*Of. More*, pp. 346, 454.

<sup>1</sup> *Supra*, § 77.

<sup>2</sup> *Mass. Hist. Soc. Coll.*, 4th series, ix. 94.

<sup>3</sup> 13 Car. II., c. 1; 1661: "I, A.B., do declare that I hold there lyes no obligation upon me, or any other person, from the oath commonly called The Solemn League and Covenant; and that the same was in itself an unlawfull oath, and imposed upon the subjects of this realm against the knowne laws and liberties of this kingdom." The authors of this "unlawfull oath," the "strait-laced Puritans" who, as the editor of the *Maryland Historical Magazine* has blandly informed us (*supra*, p. 171, note 4), felt no scruple in breaking even a legitimate oath, had naturally a large repertory of oaths and laws which they held for nought; as Cotton Mather said of the penal laws which affected the Puritans, and which the Declaration of Indulgence (1687) did away with: "such infamous laws as were *ipso facto* null and void before—laws contrary to the laws of God, and the rights and claims of human nature" (*Mass. Hist. Soc. Coll.*, 6th series, i. 56).

<sup>4</sup> *Of. Amherst*, i. 58.

so; for they had a conscience. Elizabeth and Lord Burleigh recognized this;<sup>5</sup> Shakespeare enshrined the fact in literature.<sup>6</sup> Every oath of allegiance testified to it by taking in an infusion of the "mischievous and illicit," that, being rejected by the Catholic conscience for the mischief, it might be interpreted as nauseating for the allegiance. Almost in the same terms as Burleigh's, Urban VIII. said in his brief that the king "ought certainly to know what confidence is to be placed in English Catholics whenever they can engage themselves; seeing that, rather than commit perjury, they will sooner heave their last sigh than utter the word."<sup>7</sup> If a handful fulfilled this part of their vocation during two centuries, to preserve the traditions of a conscience, they had no reason to bemoan the loss of numbers.<sup>8</sup> Three thousand who had not bent the knee to Baal were reckoned a valuable asset even in a holy nation.<sup>9</sup>

Thus the kind of liberty which was left to profess English allegiance was analogous to the French liberty of education, as formulated by M. Combes in 1903, when he substituted a close monopoly for general freedom: "Liberty of instruction must be subject to extension of restriction. . . . The State is entitled to surround it with certain guarantees, and even to establish certain incompatibilities."<sup>10</sup> That is, freedom means fettering those whom you do not want to be free.

The Massachusetts editors said that Urban VIII. (1626) forbade the oath of allegiance as Paul V. had done in 1606. The classical form of oath was precisely that of James I., passed in the parliament of 1605-1606.<sup>11</sup> The length of it is that of a little treatise, which it would take a clerk of court many minutes to read through for the victim who was to swear his conscience away. Among some eight elements, it teems with assumptions and implications regarding the authority of Christ's Vicar, all in the sense of Protestantism; it fathers on Catholic teaching the tenet of "murdering" princes, which tenet of its own fabrication it takes the trouble to call impious, "hereticall" and damnable; it insinuates the charge of "equivocation or mentall evasion and secret reservation" against the only conscience which was recognized as worth appealing to for anything; and all this swearing away of faith or fiction is to be done "heartily, wholly and truly upon the true faith of a Christian."

Had George III. devised an oath for clearing the hall of

<sup>5</sup> Cf. *History*, I. 92.

<sup>6</sup> *Ibid.*, note 24.

<sup>7</sup> *Loc. cit.*: "*Maluit spiritum emittere quam vocem.*"

<sup>8</sup> Cf. *History*, I. 113-115, for the systematic profanations and perjuries of the time.

<sup>9</sup> We may charitably suppose that an absurd remark ascribed to Lord Acton had possibly a correct application, if it connoted merely certain times and places: "The notion and analysis of conscience are scarcely older than the year 1700; and the notion and analysis of veracity are scarcely older than our own time, barring certain sacred writings of East and West." (Cf. *Amer. Hist. Review*, xiv. 10.)

<sup>10</sup> Cf. *infra*, p. 668.

<sup>11</sup> 3 Jac. I., c. iv. 9. Cf. *infra*, pp. 687, 688.

the Philadelphia Congress, he had need only of changing the ecclesiastical terms of James I.'s oath into political variants, and the hall should have been evacuated immediately—unless the delegates preferred to clear the continent of George III. Suarez might well spend more than forty pages of small folio on the excision of the false from the true, in a formula where the true was festering with the false.<sup>12</sup> Father More has devoted about two folio pages to a rapid summary of the eight elements in the oath.<sup>13</sup> For us it is enough to have noted what serves to cut out the true from the false in the statement of the Massachusetts editors; that, when Urban VIII. prohibited what he called a “mischievous and illicit oath of English allegiance,” he was prohibiting what they call “the oath of allegiance to Charles.”

What Bacon says of dead laws mixed up with live ones in force is true of any single law, which has rotten elements in it, mixed up with sound ones. The live perishes, embracing the dead. Beware of gangrene in law, says he.<sup>14</sup> And so with the Three Propositions. There was gangrene in them.

<sup>12</sup> Suarez, *Defensio Fidei*, lib. x. cc. i.–viii. Cf. *History*, I. 592, *ad* note 39.

<sup>13</sup> More, lib. viii. pp. 343, 344.

<sup>14</sup> *Aph.* 57.

## APPENDIX B

Text, § 80, pp. 17-19 ; § 85, p. 34.

### THE CONCORDAT. KIDNAPPING.

§ 245. Lord Baltimore's Concordat. § 246. Kidnapping.

#### I. THE CONCORDAT.

§ 245. In the Concordat, submitted by Cecil Lord Baltimore to the Provincial of the Jesuits, there are some incidental curiosities, and several substantial ones, besides those mentioned in the text (§ 80).

The side remark is thrown in, that "his lordship hath already granted a considerable portion of land within that province for the An additional maintenance of our said Society there."<sup>1</sup> In its obvious implication. meaning, this statement is false; he had not granted anything. He distinctly refused to do so.<sup>2</sup> As to the passing of some partial grants in his name, they had been part payment of debt for value received. He ordered his governor not to liquidate his debt any further, even though "in justice divers planters ought to have grants from me."<sup>3</sup>

His usual dexterity in 'hiding his hand,'<sup>4</sup> so that no document of his if mislaid should betray him for collusion with the Jesuits, failed him in a clause here; that about the hush-money for those "who shall willingly, without compulsion, depart from thence at the request of his lordship or his heirs."<sup>5</sup>

More substantial are the following three points. There are three warrants, which the Provincial is constructively to grant Lord Baltimore. Substantial One of them dispenses the proprietary from observing the curiosities. tenor of a section in his Maryland charter. Two others give a retrospective sanction to acts already committed or commanded.

First, the Provincial grants the introduction, at least with respect to Jesuits, of the Statutes of Mortmain, and those expressly as operating

<sup>1</sup> Documents, I. No. 22, 2<sup>o</sup>, p. 194.—Cf. Russell, p. 539, the English text.

<sup>2</sup> History, I. 255-257.

<sup>3</sup> *Infra*, Appendix C, p. 628.

<sup>4</sup> Cf. History, I. 376, 377.

<sup>5</sup> Documents, I. *loc. cit.*, 5<sup>o</sup>, p. 195.

under the actual government of England.<sup>6</sup> Thus the proprietary is to be set free from a provision in the eighteenth paragraph of his charter.<sup>7</sup>

Secondly, the same Jesuit authority gives the proprietary the right of reversion and immediate entry into whatever the Society may acquire, if without his special licence the Order obtains any real property in Maryland; and this, whether the acquisition be made from white owners, whose sale, gift or grant in the premises is to be annulled by forfeiture; or from Indian natives, who may happen to provide for their own spiritual service by disposing of their property for the purpose.<sup>8</sup> This warrant of the Jesuit Provincial would make good retrospectively Baltimore's previous action in expropriating the Indian church land at Mattapan on the Patuxent, and giving it away.<sup>9</sup> What the value of his lordship's licence might be may be seen below.<sup>10</sup>

Thirdly, there is that very curious provision, by which the Jesuit Provincial grants the proprietary and his heirs a free hand, to expel at will one or all of the Jesuits from Maryland, at any time and in any circumstances, without other reason assigned than their own sweet will. The admission is expressly made that the conduct of the persons so abused may have been irreproachable.<sup>11</sup> This warrant would give a retrospective semblance of approbation to the action formerly enjoined by Lord Baltimore on his governor, Leonard Calvert, when the latter was ordered to restrain Father Copley of his liberty, and to transport him out of Maryland. This was an order to kidnap.<sup>12</sup>

## II. KIDNAPPING.

§ 246. Our use of this word "kidnapping" in the places just quoted has been disliked in certain quarters.

Baltimore, imagining that some Jesuit had taken ship from England to Maryland—"in contempt of my prohibition," said he—and might now be in Virginia where neither Baltimore nor Leonard Calvert had any jurisdiction to touch him, held "divers <sup>Baltimore's edict to kidnap Father Copley.</sup> consults" on this case of a Jesuit being possibly somewhere in America without permission from the landlord of Maryland. So he instructed his governor Leonard with a consecutiveness of thought, very aptly reproduced in the construction of the sentence which he tried to put together—the beginning of what he wanted to say being separated from the end of it by a parenthesis of varieties, covering one whole octavo page in print: "In case the man above mentioned, who goes thither in contempt of my prohibition, should bee

<sup>6</sup> Documents, I. *loc. cit.*, 2°.

<sup>7</sup> See History, I. 240-242.

<sup>8</sup> Documents, I. *loc. cit.*, 1°, 2°.

<sup>9</sup> History, I. 477-480, 489-492.

<sup>10</sup> Appendix C, p. 628.

<sup>11</sup> Documents, I. *loc. cit.*, 5°.

<sup>12</sup> See History, I. 487, 584-586.

disposed off in some place out of my province before you can lay hold of him . . . [*here thirty-three lines of vagaries dance before the eye*] . . . in case, I say, that the parte [*party*] above mentioned should escape your hands by the meanes aforesaid (which by all meanes prevent, if possibly you can), then I praie doe not faile to send Mr. Copley away from thence by the next shipping [*which goes*] to those parts; unless hee will bring the other new comes [*comer*] into your power to send back againe.”<sup>1</sup>

Against our qualification of this, that it was an order to kidnap, it has been said apologetically: “Baltimore writes to the governor that, if a certain contingency occurs, ‘I praie do not faile to send Mr. Copley away from thence by the next shipping to those parts.’ Now this instruction (which was never carried out) may have been arbitrary or harsh, but it was not ‘kidnapping.’ But then the word ‘kidnap’ has an odious colouring.”<sup>2</sup>

Neither the affirmative proposition here, nor the negative, not to mention the aspersion on the author’s intentions, will stand the test of law, logic or letters; just as the case itself did not stand the test of common sense, since it was based on a fiction of Baltimore’s brain, and was eked out with pieces of Baltimore’s ethics.<sup>3</sup>

As to the affirmation that the instruction was only “arbitrary or harsh,” it is clear that the order was neither one nor other, but something else. Magna Charta has it, that no freeman shall be taken or imprisoned or disseised of his freehold, or of his liberties or free customs, or be outlawed, banished, or otherwise destroyed; nor shall the king pass or send upon him, but by lawful judgment of his peers, or by the law of the land.<sup>4</sup> This was enforced in subsequent statutes, that no man should be put out of franchises, should be taken or imprisoned; and, if anything were done to the contrary, it should be redressed and holden for none.<sup>5</sup> The same was guaranteed in the charter of Maryland.<sup>6</sup> Thus Baltimore’s order, having no ground of legality under it, cannot be called arbitrary; which would merely intimate that the letter or spirit of a law had been extended into the domain of discretion or caprice.

Neither can it be called harsh; which implies an undue straining of authority, and abuse of it. There was no authority in the premises, and therefore none to abuse. Perhaps what is meant comes to this, that, when persons are invested with some high authority of their own, only such terms should be used to qualify any escapade of theirs as will at the same time connote their dignity and

<sup>1</sup> *Calvert Papers*, i. 217, 218.

<sup>2</sup> *Md. Hist. Magazine*, ii. 272; noted with commendation by Russell as “Dr. Browne’s Review” of our former volume. (P. 170, note 3.)

<sup>3</sup> *History*, i. 534, 535.

<sup>4</sup> 9 Hen. III., c. 29.

<sup>5</sup> 25 Edw. III., st. 5, c. 4; 28 Edw. III. c. 3.

<sup>6</sup> Paragraph 10.

greatness ; and therefore "arbitrary or harsh" is language preferable, as being diplomatic, to "kidnapping," which is too severely true.

There is something in this. And, supposing it to be the meaning of the apology, then we note that it is half an Aristotelian idea, which we supplement at once with the other half. Dissecting "filthy-lucre folk," *αἰσχροκερδεῖς*, whom he distributes into unsavoury species under the genus, "illiberal" or sordid, Aristotle goes on to say, that big folk who do things on a large scale are not called by these little names : "Those who take great things whence they should not, nor of the kind they should, we do not call sordid, as tyrants who sack cities and plunder temples ; but rather wicked and impious and unjust, ἀλλὰ πονηροὺς μᾶλλον καὶ ἀσεβεῖς καὶ ἀδίκους."<sup>7</sup>

As to the negative proposition, that "it was not 'kidnapping,'" no reason being adduced why it was not, we naturally give the reasons why it was. Kidnapping is the forcible stealing away of a man, woman, or child, from his or her own country, and transporting such into another.<sup>8</sup> In Maryland law it was described, with respect to Indians, as taking, enticing, surprising, transporting them out of the province.<sup>9</sup> Leonard Calvert, the governor, could not obey Baltimore's order "to send Mr. Copley away from thence by the next shipping," without a forcible seizing of him ; and sending him away from thence was transporting him, whether to England or elsewhere. This, with the total lack of legality or authority, was kidnapping.

As no part of Baltimore's conduct here is defended by any one, but the nature of it is only glossed over, we do not dwell on the other illegalities which vitiated the proceedings ; as that of assuming a power to seize any person who took shipping for Maryland and went to Virginia ; that of attempting to suborn or intimidate Copley, who was to fetch some one else out of Virginia and put him in the hands of the Maryland Calvert ; or that of applying to Christian gentlemen, not to say priests, the *lex talionis* which the Virginians had devised against Indians, authorizing the seizure of any one in place of any other.<sup>10</sup> The reason may have been of the same kind in both cases, to get rid of the kind altogether.

<sup>7</sup> Aristotle, *Eth. Nicom.*, IV. i. 42.

<sup>8</sup> 4 Stephen, *Comm.*, 98.

<sup>9</sup> *Arch. Md., Assembly*, 250, 346 ; 1649, 1654.

<sup>10</sup> *History*, I. 548, 549.



## APPENDIX C

Text, §§ 83, 84, pp. 28-33.

### CONDITIONS OF PLANTATION. FEUDALISM. JESUITS.

§ 247. Conditions of Plantation issued by Lord Baltimore, 1633-1648. § 248. The progress of feudalism in Maryland. § 249. Jesuits in the premises.

**Manuscript Sources:** Georgetown College MSS.—(London), British Museum MSS., 15,489; *Harl.*, 1221.—Public Record Office, *Dom. Interregnum*, 122.

**Published Sources:** Angell and Ames, *Law of Private Corporations*.—Blackstone, *Commentaries*.—Du Cange, *Glossarium*, tom. iii.—Field, T. W., *Indian Bibliography*.—Johnson, B. T., *Maryland*.—Kilty, J., *Landholder's Assistant*.—Kilty, W., *Report of English Statutes*.—(Maryland), *Archives of Maryland: Proceedings of the Council, 1636-1667; Proceedings of the General Assembly, 1638-1664*.—*Maryland Historical Magazine*, ii.—McMahon, *Historical View, Maryland*.—Oldmixon, *British Empire in America*.—Russell, W. T., *Maryland, The Land of Sanctuary*.—Scharf, *History of Maryland*, i.—*Statutes of the Realm*.—Stephen, *Commentaries*.—Thomas, *Chronicles of Early Maryland*.

#### I. CONDITIONS OF PLANTATION, 1633-1648.

§ 247. We have said in the text that we find as many as five sets of Conditions, issued by the proprietary of Maryland within sixteen years; and that each set advanced beyond the preceding in the line of one individual's interest, without ever conferring a material advantage on the adventurers or colonists. As some of these sets have been uniformly ignored, and the trend of all has passed unnoticed, we exhibit the instructive panorama as it unrolls.

1. First Conditions of Plantation, 1633, on which some twenty gentlemen engaged, the Jesuit missionaries included; and many or all of them obtained the right to one or more manors:—For the expense incurred by the gentlemen, in importing five men, Lord Baltimore undertook to grant in return 2000 acres of land in the colony, free trade, and other privileges not distinctly specified. There was no mention of additional burdens yet to be signified, as indeed no onerous contract would tolerate. There was nothing said of a quit rent, nor of reversion expectant in the land, nor of limitation in time for taking out the grants to which they acquired a

First Con-  
ditions of  
Plantation,  
1633.

right—this last provision leaving the owners free to improve the land whenever it should be convenient to themselves. Property so acquired became an indefeasible estate of inheritance to the purchasers and their heirs for ever. It is an unwarranted gloss of John Kilty, registrar of the Maryland Land Office, that “subsequent declarations,” which regard other Conditions, show these first Conditions to have reserved for the proprietary a perpetual rent in every case from each of the first adventurers. The documents, Latin and Italian, for 1633 have nothing whatever about such a reservation, actual or eventual.<sup>1</sup>

2. Second Conditions, substituted for the first in Baltimore’s warrant to the governor, L. Calvert (August 8, 1636), for discharging his obligations as he now represented them:—A “yearly rent of Second Con- 400 lbs. of good wheat,” to be yielded out of every 2000 dittons, 1636. acres as promised above; and a proportionate rent for smaller grants.<sup>2</sup> McMahon, speaking of what were called “quit rents” in Maryland, styles them rent charges; which would connote neither seigniority nor reversion in Baltimore, and therefore could not be quit rents, in the technical use of the term.<sup>3</sup> At all events, a rent charge would have given the right to distrain for the rent, by force of an express contract. There being no such contract, the Maryland levy was only a rent seek. There was no fealty implied, as the service of quit rent did connote.<sup>4</sup> During the early years of the colony, the proportion of 400 lbs. of good wheat for a 2000 acres grant proved to be little less than a rack rent.<sup>5</sup> By these same Conditions of 1636, every holding of 1000 acres and upwards was to be created a manor.<sup>6</sup>

3. Third Conditions, 1638, not under the form of a plantation document, but in a code of laws, first drafted by Baltimore and rejected by the freemen, then refitted by Lewger, Baltimore’s secretary, Third Con- and passed by the freemen.<sup>7</sup> These laws comprised a violently dittons, 1638. aggressive set of enactments in matters of trade;<sup>8</sup> of property;<sup>9</sup> of life and limb.<sup>10</sup> They exhibited a pronounced anti-clericalism against priests and bishops.<sup>11</sup>

4. Fourth Conditions, 1641; a part proposed, withdrawn, and left out of the published formula.<sup>12</sup> They included the following points:—The incapacitating of any “corporation, society, fraternity, commonalty,

<sup>1</sup> See *History*, I. 253–255. *Documents*, I. No. 9, p. 146, note 1, the contemporary Italian translation, referred to the date, “*x febr*, 1633” (cf. *History*, I. 251, note 3).

<sup>2</sup> *History*, I. 253, 254; cf. *Ibid.*, 263, 264; text of the warrant, *Ibid.*, 363, 364.

<sup>3</sup> McMahon, p. 169.

<sup>4</sup> Cf. 1 Stephen, *Comm.*, 673–676.

<sup>5</sup> *History*, I. 397; 410, “Fifthly”; 1638, 1639.

<sup>6</sup> See *infra*, p. 638.

<sup>7</sup> See *History*, I. 383, 384, 388, 389.

<sup>8</sup> *Ibid.*, 398–398.

<sup>9</sup> *Ibid.*, 398–402.

<sup>10</sup> *Ibid.*, 387, 388, 402, 403, 407.

<sup>11</sup> *Ibid.*, 402–408, 413.

<sup>12</sup> *Arch. Md., Council*, pp. 99, 100; November 10, 1641.

body politic, whether spiritual or temporal," from ever acquiring land in the province, either in its own name, or in trust for its use, without special licence from Baltimore, under pain of forfeiture. Fourth Con- ditions, 1641. The incapacitating of all persons whatsoever to give or alienate any land in the province to any of the aforesaid classes, in trust for any use "mentioned or prohibited in any statute of mortmain, heretofore passed in the kingdom of England," without a particular and special licence from Baltimore.<sup>13</sup> An oath to be taken (1) of fealty to Baltimore, recognizing his title, promising to "defend and maintain" his "title, right and royal jurisdiction," and undertaking to denounce any one who should receive land from the Indians, except through the proprietary; (2) disclaiming all right of accepting lands directly from Indians, no exception being made of land assigned by natives, on the express condition of being used for their own spiritual service.<sup>14</sup>

The Statutes of Mortmain, so designed for Maryland, were all that had been passed up to the actual date, including those of Henry VIII.

and of Edward VI.; by which latter the religion of George Calvert, father of Cecil Lord Baltimore, had been made out to be a superstition, and the employment of property in behalf of it, "superstitious uses."<sup>15</sup> They were also intro-

duced as retrospective, to affect "all grants already passed"<sup>16</sup> Against the illegality of this Governor Calvert, the local guardian of law, invented a distinction to save appearances; suggesting the interpretation that hereby everybody was merely incapacitated for the future from acquiring lands under the new Conditions, unless he chose to put under the Statutes of Mortmain all his lands acquired in the past; and, opined Calvert, as this would depend upon his own choice, the retroactive application would be his own doing, not Baltimore's.<sup>17</sup> But the loyal and subtle governor did not observe that this backhanded effect of laws makes the laws themselves retrospective: *Ea quae futura prohibent et restringunt, cum praeteritis necessario connexa.*<sup>18</sup>

A modern explanation of the mortmain phenomenon in Maryland bears no marks of Governor Calvert's subtlety. It takes things alto-

gether in the gross. B. T. Johnson says of Lord Baltimore: "He had the right to propose Conditions on which lands could be acquired and held, and thus enforce the Statutes of Mortmain."<sup>19</sup> The writer stops here. If he was justified in stringing the first part and second part of that sentence together, he might have continued; and, not to speak of all the feudal

<sup>13</sup> History, I. 499, 500. Documents, I. No. 12, A.

<sup>14</sup> History, I. 501. Documents, I. No. 12, B; No. 16, *Notandum* 6°.

<sup>15</sup> Of. History, I. 431.

<sup>16</sup> History, I. 503. Documents, I. No. 13, § 1.

<sup>17</sup> *Locc. cit.*

<sup>18</sup> Bacon, *Aph.* 50.

<sup>19</sup> Johnson, *Maryland*, p. 143.

The attempt, 1641, to introduce mortmain statutes.

A modern attempt to justify Baltimore's intrusion of mortmain.

laws about wardships, liveries, primer seisins, ousterlemains, values, forfeitures for marriage, and everything else that was connected by feudal law in England with the feudal tenure of land, the gallant writer might have added, that Lord Baltimore had the right to enforce all the laws in the statute book of England. But Baltimore could do nothing of the kind. He had no power to enforce any laws which did not exist in the province; nor could he introduce them as in operation. The concurrence of the local assembly was necessary. He seems to have looked askance at this provision of his charter. So he preferred to ask the Jesuit Provincial for a certificate of good conduct, when he proposed the Statutes of Mortmain in 1641. Then he was regarding the colony at large. He asked the Provincial again for a similar undertaking, with respect to the Jesuits in particular.<sup>20</sup> He had applied to the same Jesuit authority for a similar sanction to appropriate, by a title of devolution or reversion, any Indian lands, even when appropriated by the natives to their own service.<sup>21</sup> All this shows that Lord Baltimore was conscious of not being able to proceed, for want of local laws. In 1649, he did receive from the assembly the favour refused ten years before,<sup>22</sup> that of a law passed on the score of Indian lands, precisely to the purport for which he had asked the Provincial's sanction some seven years earlier with respect to Indian church lands. The assembly gave Baltimore a retroactive right to enter upon all lands received directly from Indians; and it thus legalized, if such legislation could legalize anything, the seizure of Mattapani some ten years before.<sup>23</sup> But, though Baltimore obtained this boon of a statute, there is no sign of his ever having approached the assembly to obtain its concurrence in enacting a whole series of statutes, those of mortmain. He introduced them himself by what we called elsewhere the postern gate of plantation Conditions.

If it be said that Conditions regarded only the buying of land, and Conditions are not statutes, that is true, if statutes are not made Conditions. In point of fact, the whole force and purview of mortmain statutes was introduced, with the statutory sanction of forfeiture; and they would come as statutes, and they did come henceforth, within the cognizance of the law court. The burgesses, who professed to be "so illeterate" as not to understand Baltimore's body of laws, said nothing. Mortmain, whether they understood or not the term and the statutes, did not concern them directly; and the thing was slipped in without being presented to them. Hence, in this unconstitutional way, legislation entered into Maryland jurisprudence, with effects which survive in the State to-day; where an

<sup>20</sup> History, I. 499-504; II., *supra*, p. 18. Documents, I. No. 12, A, C; 1641. *Ibid.*, No. 22, 2<sup>o</sup>; (1647).

<sup>21</sup> History, I. 508; cf. 605; II., *supra*, p. 17. Documents, I. No. 12, B; 1641. *Ibid.*, No. 21; (1642). *Ibid.*, No. 22, 1<sup>o</sup>; (1647).

<sup>22</sup> Arch. Md., Assembly, p. 42; 1639.—History, I. 477.

<sup>23</sup> Arch. Md., Assembly, p. 248; April, 1649.—History, I. 477-480, 489; II. 329.

act of the legislature is necessary for a religious body of any kind to acquire or accept of more land than two acres, for a church or burial ground.<sup>24</sup> However, it is satisfactory that such discrimination should be looked upon with resignation, if not with complacency, by some moderns; who seem to regard it as a subject of gratification that Baltimore distinguished himself by barring religious interests, and that Maryland does so still, by excepting to the rights of the Church alone amid a promiscuous crowd of corporations.<sup>25</sup>

As to the "particular and special licence," which Baltimore professed to keep in reserve, what that meant he himself explained to his governor,

The practical value of a licence in reserve. L. Calvert. Of the corporate body in question, the Society of Jesus represented (1641) by Fathers Brooke, White, Copley and Rigbie, he wrote saying, that he prohibited the passing of grants to them for any lands whatever. The governor, however, had conceived that lands were "in justice due unto them," and that he thought himself "obliged to grant them, although," as Baltimore now expressed himself, "it were contrarie to my directions." The governor had believed that he was not above the common law which ordained: It shall not be commanded by the Great Seal [*of the king*] or the little seal, to disturb or delay common right; and, though such commandments come, the justices shall not cease to do right.<sup>26</sup> So he had begun to make part payment of Baltimore's debts for value received. Whereupon Baltimore, under the little seal of a private letter, sternly inhibited the governor from doing any right in the premises. He insisted on blind obedience, notwithstanding any such reasons of conscience as that "divers planters ought to have grants from mee." He "knew best," he said, what were the "reasons why I gave the aforesaid directions; for you are but meerly instrumentall in those things to doe what I direct." On these premises Baltimore's final edict was quite intelligible: "I doe once more strictly require you not to suffer anie grants for anie lands for the future to pass my seale here to anie member of the hill [*Jesuit missionary*] there, nor to anie other person in trust for them, upon any pretence or claime whatsoever, without especiall warrant under my hand and seale to bee hereafter obteyned from mee for that purpose."<sup>27</sup> As Cecil Lord Baltimore never gave such an "especiall warrant" for the payment of his debts, and none of his heirs did, it is clear what his reservation came to of a "particular and special licence."

5. Fifth Conditions, 1648, partly given in the text.<sup>28</sup> The attempts having failed in 1641 to introduce, with the sanction of the Jesuit

<sup>24</sup> Cf. Documents, I. Nos. 115, note 28; 164, A, [I].

<sup>25</sup> In the State of Delaware, next door to Maryland, "by act of Assembly, passed in 1787 (*Digest of Laws of Del.*, 459), all devises of land to *religious* corporations are declared void" (Angell and Ames, p. 141). But, on the practice of other States, see *infra*, pp. 658, 668.

<sup>26</sup> 2 Edw. III. c. 8.

<sup>27</sup> History, I. 488, note 15; London, November 28, 1642.

<sup>28</sup> *Supra*, § 83, pp. 28-30.

Provincial's collusion and certificate, those Conditions of Plantation and that oath just described, the year 1648 witnessed the introduction of the identical matters with improvements. The moment was Fifth Con-  
ditions, 1648. favourable; for there had been several years of revolution; Introduction  
of mortmain  
statutes. everything was still in a state of turmoil; the freemen, by their own confession, were "so illeterate,"<sup>29</sup> while the matter of mortmain was not less abstruse then, than now; and, by a coincidence, no Jesuit was supposed to be on the ground.<sup>30</sup> The new Conditions included the following points:—An oath of fealty imposed, the character of which will be seen below.<sup>31</sup> The Statutes of Mortmain, already antiquated in England by acts of Parliament during more than half a century, now slipped into Maryland without statutory sanction. Uses and trusts, approved by English law, condemned in Maryland for an alleged reason of paternalism. The perpetual inability of all colonists ever to grant land by donation, devise or otherwise, to any body politic, spiritual or temporal, existing in perpetuity; and consequently the inability of any land being assigned in perpetuity, as among the colonists themselves, to purposes religious, charitable or educational—a policy which, had it prevailed in Europe, would have left the world a social desert instead of making it a glorious Christendom. The power reserved of excluding from rights to land any individual "person or persons." This last provision, which must have pointed to other than mere undesirable characters, could operate against the corporate body already in Maryland, by arresting the means of continuing or expanding its work in the province.

Eighty years later, we find Father Attwood, in his directions on the preservation of Jesuit property, making the following remark; that, in the province of Maryland, "each tract was purchased for a valuable consideration, either of my lord, or of some other holding under him; and descends by conveyance or will; for all other right of succession or inheritance in common we are deprived of by the Statute of Mortmain."<sup>32</sup>

Since we published our first volume, a sympathetic consideration has been advanced, to take the edge off documentary evidence which we brought forward, and which has not been impugned. It has been reiterated in various quarters, that Lord Baltimore remained a Catholic, when he might have declared himself a Protestant; and this he did in spite of persecution. It was meant to be inferred that therefore he knew and was doing the right things in Maryland. We acknowledge the justice of this implied compliment to the spirit of Catholicity; but we do not see

The apology  
of non-  
Catholics for  
Baltimore's  
anti-  
clericalism.

<sup>29</sup> *Supra*, p. 85.

<sup>30</sup> *Supra*, § 81.

<sup>31</sup> *Infra*, p. 687.

<sup>32</sup> *Documents*, I. No. 29; January 20, 1727.

how, from such a transcendental premise of sound psychology, any conclusion follows with regard to a definite person's recorded acts. Catholics may be very remote from what Catholicity requires. Faith has to be crowned with works.

Besides, the apologists have not observed some other facts, which lie more within their competency than the requirements of Catholicity. In Lord Baltimore's time, the Church was not only persecuted; it was also respected. It was the one respectable object towards which the tide of Anglican intelligence and integrity was flowing then as in other times, and from which nothing but persecution by penal laws against the growth of Popery could withhold the tide. If a man remained in the Church he did not sacrifice respectability. He did not lose friends within, or friends without. If a Catholic like Baltimore lost a far-off province several times, he always managed to retrieve it. And, most important point of all, he suffered not the pangs of having to retrieve his conscience.

Some one, perfectly well informed on what Catholicity is, has been incautious in expressing himself, as if this last consideration of conscience was of no importance at all. Cecilus Calvert, says he with emphasis, "was a [true] Catholic, when he had everything to gain by relinquishing his faith."<sup>33</sup> On the contrary, we are certain that, if he was a Catholic, he had his soul to lose by relinquishing the faith—not to mention the other good things of a social nature, just mentioned. If an apologist sets up for a Catholic any such standard as that of fidelity to temporal interests alone, constancy to nothing but his private fortune, and consistency in trimming his sails accordingly—*velificatus alicui*, said Cicero—such an apologist is only knocking Catholicism down to a low bidder, as Bishop von Keppler has observed;<sup>34</sup> and a very low bidder indeed was the conforming Papist, whom this apologist is contemplating without reproach in his construction of Lord Baltimore. A Protestant satirist put it, three centuries ago, that a conforming Papist was one who "parts religion between his conscience and his purse," and who tries to keep it long after it has parted with him. We have a much higher opinion of Cecil Lord Baltimore than to put him down as reckoning over a counter that "he had everything to gain by relinquishing his faith," and like his grandson, Benedict Leonard Calvert, letting his soul go with the conformist drift of the age; one who, as the same satirist expressed it, "would make a bad martir and a good traveilor; for his conscience is so large he could never wander from it; and in Constantinople would be circumsized, and with a mentall reservation." Still the next sentence might suit Lord Baltimore's colonial policy, if for "wife" we put Maryland, and by "attire" we understand the ecclesiastical outfit: "His wife is more zealous in her devotion and therefore more

<sup>33</sup> Russell, *Maryland*, p. 174.

<sup>34</sup> "On Reform, True and False," at Rottenburg, December 1, 1902.

costly [*because of the legal fines*], and he bates her in tyres [*attire*] what she costs him in religion.”<sup>35</sup>

## II. THE PROGRESS OF FEUDALISM IN MARYLAND.

§ 248.—1. We have used in a former place the phrase, “*in capite*,” which means, “in chief,” as follows: “Baltimore, having failed to impose his tenure *in capite* on the colony at large, endeavoured for years to force it on the Jesuits and their property.”<sup>1</sup> Exception has been taken to this passage: “Surely the Rev. author forgot the words of the charter, which expressly says that Maryland is to be held ‘in free and common socage’—that is, by a fixed compensation instead of uncertain services—‘and not *in capite*.’” Here the criticism insinuates that there is a contrast or opposition between a tenure in common socage and a tenure in chief, or *in capite*, as if the ideas were incompatible. And, to emphasize the contrast between the two, between tenure by socage and tenure in chief, our passage is interpreted as putting forward a “preposterous” idea; that “Baltimore, holding his lands by socage (rent), tried to impose on his colonists a tenure by services [*in chivalry* ?].”<sup>2</sup>

Here the words of the Maryland charter have been misconceived by the editor of the Maryland Historical Society’s Review, and elsewhere by the whole school which he represents. There is no contrast between a tenure in socage and a tenure “in chief”; nor between services, as such, and socage; the rent of which is itself a fixed service. There were many other services due from a socage tenant; and the burden of them fell upon the socage tenant in chief who held immediately of the Crown. Where the critic has seen a contrast, there is in fact only a derogation; that, though Baltimore should hold the province in common socage and in chief, he was nevertheless dispensed from the services incident to his socage tenure in chief.

The passage of the charter is elliptical, and, for our times, obscure. With its ellipses supplied, it runs thus: “To hold of us, our heirs and successors, kings of England . . . in free and common socage [*in capite*], by fealty only for all services, and not [*by socage services*] *in capite*, nor by knight’s service.” In similar elliptical style ran the statute, 12 Car. II., c. 24 (1660), which took away all tenures of the king *in capite*, and yet left them; because it signified by that phrase only burdensome services of such tenants in chief; and these it abolished. Tenures in chief, held in common socage of the king, remained as before.

The charter of Maryland is express, that Baltimore held immediately of the king; which is all that is meant by a tenure in chief. The

<sup>35</sup> Brit. Mus. MSS., Harl., 1221, f. 65, “[*The Conforming*] Papist.”

<sup>1</sup> History, I. 399; cf. *Ibid.*, note 36, title of 12 Car. II., c. 24.

<sup>2</sup> *Md. Hist. Magazine*, ii. 272, 273.



derogation, of which the critic has made out a contradiction to the very terms of the charter, merely relieved the proprietary of certain incidents in his tenure. These would have been great and grievous for him, the immediate tenant of the king. They would not have been so for any sub-tenants, who might be conceived to hold of Baltimore as mesne lord, and of the king only as lord paramount. These would not have enjoyed the honour of holding in chief; but by usage their case would have been much better. Thus fines for alienation would have lighted on him.

Of course if, instead of being beneficiaries, as the term "feud," "fief," or "fee" implied, they simply bought the land outright, there was still less question of incidental burdens. And so a correct form of tenure in Maryland was that exhibited in Baltimore's first Conditions of Plantation, when he offered land to the adventurers as a *quid pro quo*, an equivalent for their expence in supplying and transporting men to the colony; and held out other inducements besides, no burdens being mentioned.<sup>3</sup> He was getting his value as a landlord in getting a colony through them. For land without men is no colony; and is as useless as the Sahara. Yet, what Baltimore did with tenants who had received no gift from him, no feud, fief, or fee, we shall see in a moment. Here we merely note the purport of our criticism when we said, that he was trying "to impose his tenure *in capite*" on the colonists and Jesuits. Of such a tenure as he conceived *ex post facto* we remark what Junius said on another question to the Duke of Grafton: "Your *inquisitio post mortem* is unknown to the laws of England, and does honour to your invention."<sup>4</sup>

2. It has been said that we were not correct in speaking of Baltimore's desire to "feudalize" his province, seeing that it was "completely feudal" already. If that criticism were well founded, we could not say of warm water that it can be heated. It is all a question of degree. The degree of feudalism in the charter of Maryland was tepid enough, as is plain. It was milder than English feudalism at the time when George Calvert drew up his charter. He cleared the ground, by the 18th paragraph, for a land market; and he showed his good sense.<sup>5</sup> But Cecil Calvert, stimulated by the good results of the land market, proceeded to raise the temperature of feudalism, as soon as the plantation was seen to be a success, "in respect," said he, "that many others are joined with me in the adventure."<sup>6</sup> Practice after practice of feudalism he slipped in, far beyond the usage of England at that very time, since the whole system in the old country went into a state of suspended animation during the

<sup>3</sup> *Supra*, p. 624.

<sup>4</sup> Letter viii.—For the feudal matters touched on here, cf. 2 Blackstone, *Comm.*, 45, 60, 73, 86–89; 1 Stephen, *Comm.*, 206–210; cf. *Ibid.*, 204, note (h).

<sup>5</sup> See *History*, I. 241.

<sup>6</sup> *History*, I. 264.

The tenant in chief relieved by the charter of special burdens.

Other tenants liable to no feudal burdens.

Feudalism in Maryland. Low and high gauge.

Commonwealth. He strung up the system immeasurably beyond what became England's standard in law, as soon as the Commonwealth had been done away with; for in the first year after the Restoration the whole feudal system was reduced by 12 Car. II., c. 24, to what it is in our day. The story was quite different in Maryland.

Cecil Lord Baltimore introduced and imposed on the land of each large proprietor the character of a manor,<sup>7</sup> which was an old baronial institution no longer capable of being set up in England. The device of the last manors created were of a date before the reign "manors." of Edward I. This notion of a manor brought up the idea of sub-infeudation to inferior vassals, with demesne lands reserved for the use of the baronial lords' families. As imposed on Maryland, the quantity of demesne land was defined—a sixth part of every manor;<sup>8</sup> and it was declared to be inalienable.<sup>9</sup> In 1638 Father Copley remonstrated with Baltimore on behalf of the colonist against the oppression of the Lewger code in this respect: "Whatsoever happeneth, he canne not sell his mannor, but, by keeping it, he must be necessitated to live where perhaps he hath no will." These words seemed to imply that Lewger had made the whole manor inalienable.<sup>10</sup>

The title of "manor" in the new world seems to have been designed as an honorary term, and a privilege; just such as the charter had provided for, and as the first Conditions of Plantation had promised in 1633: "a share," it was said, "in other privileges," or, as the contemporary Italian translation had it, "besides many privileges and conveniences."<sup>11</sup> However, when Baltimore and his London lawyers, in 1636, suddenly transformed every substantial farmer into the baronial lord of a manor without asking his permission, they were far from projecting on Maryland merely honorary titles, with barren rights of holding baronial courts. A profitable return was to come out of the transported antiquity.

It had been dug up by Baltimore's engineers from a date some 275 years before, when the feudal operation of "erecting and creating" a manor came to an end in England.<sup>12</sup> If it could be worked again, it had a profitable side; for the lord of a manor enjoyed the feudal profits accruing to himself from the escheats and forfeitures of sub-tenants, as well as other dues less practicable in Maryland, such as wardships and marriages.<sup>13</sup> Lord Baltimore revived these ancient incidents; but he made a new

<sup>7</sup> *Supra*, p. 625.

<sup>8</sup> The grant in favour of Giles Brent, September 7, 1640, makes the demesne lands about a third—300 acres out of 1000 (Kilty, J., p. 107).

<sup>9</sup> *Arch. Md., Council*, pp. 224, 234; 1648, 1649.

<sup>10</sup> *History*, I. 399. Cf. *Ibid.*, 890, 891, 400, 409, 410. In Lewger's socialistic code, the whole idea of the aristocratic manor evolved in a very comic fashion, as appears in those pages cited.

<sup>11</sup> *Documents*, I. No. 9, *ad* note 1.

<sup>12</sup> 2 Blackstone, 91, 92.

<sup>13</sup> Cf. *Ibid.*, 91.

distribution. He gave the title; and he took the profits. If it was on the principle of the statute, *Quia emptores*, that he made this distribution of good things, he was treating that statute as a thing alive; but at the same time, by making the land inalienable, he was treating the same statute as a thing dead.<sup>14</sup>

J. Kilty remarks: "The practice of subinfeudation does not appear, however, to have been permitted much to Lord Baltimore's prejudice, as all fines for alienation, and escheats for want of heirs, appear to have gone to him."<sup>15</sup> This might have been expressed in another way, that, by wedging in the idea of manors, Baltimore originated the idea of alienation fines; then he cut the lord of the manor out of the fines, which he extended to the same effect over the whole colony, manors or no manors. That was curious enough; but it was more so when we consider that fines for alienation seem to have been exacted only from tenants *in capite*.<sup>16</sup> Escheats used to go to the next lord. But, says Kilty, "escheats for want of heirs appear to have gone to him [*Baltimore*], and not to the proprietors of the most extensive manors which he granted."<sup>17</sup>

Baltimore was not illiberal in granting lands to his favourites, if laymen; as, for instance, 15,000 acres to Mr. John Langford.<sup>18</sup> It is gratifying to understand that he still kept his eye on substantial profit, even when relaxing his hand in beneficence towards laymen. It is equally gratifying to note that, in the direction of religion, charity, or education, he had little occasion to maintain economical reservations, seeing that he never proposed to grant 15,000 acres for such purposes; and that he ordered his governor to default in the matter of paying 24,000 acres to the missionaries for value received. Nor did he grant to the Church such "privileges and immunities" as he held out to the laity at large.<sup>19</sup> Had he done so, there would, no doubt, have arisen many an outcry in modern times and Historical Reviews against an *imperium in imperio*, of which so much has been said, and possibly against the Maryland charter which contemplated such a thing.<sup>20</sup> In fact, an immunity or privilege granted by the freemen of Maryland to the clergy, that no priest need assist as a landlord at the meetings of the assembly,<sup>21</sup> has been explained away as a disqualification imposed upon the cloth.

Meanwhile, fines for alienation made their appearance in Maryland; and no one seems to know where they came from, or how. The amount

<sup>14</sup> See *History*, I. 600, 601, 604, 605. For the operation of this statute in Maryland, see *Ibid.*, 241, 242, 602-604.

<sup>15</sup> Kilty, J., p. 28.

<sup>16</sup> 2 Blackstone, 72, 89.

<sup>17</sup> *Loc. cit.*

<sup>18</sup> *Arch. Md., Council*, p. 326; 1656.

<sup>19</sup> *Ibid.*, 544; 1665.

<sup>20</sup> *History*, I. 287, 241, 481, 604.

<sup>21</sup> *Ibid.*, 381-383.

of them was "one years rent for a fine to be paid upon every alienation of mannors or land."<sup>22</sup> This was three times as great as the English feudal practice had allowed for a licence to alienate; and, in any Fines for case the fine was due only from the tenant *in capite*.<sup>23</sup> Now alienation. it came on every tenant in Maryland, however small. J. Kilty merely takes these fines as a patent fact in the colony, for the relief of Baltimore's pocket. McMahon tries to account for the apparition; that "these fines were the incidents of the tenure, as it existed when established in the province; and they therefore followed it without express reservation." But this *ex post facto* fiction is disposed of by McMahon's sentences before and after: "It does not indeed appear that they were noticed in the early instructions or Conditions of Plantation; or that they were collected in the first years of the colony. . . . The first notice of them which we find is contained in the Conditions of Plantation of the 22d. September, 1658."<sup>24</sup> This date was a quarter of a century after the colony had been founded.<sup>25</sup>

Thus the tenant *in capite*, who was dispensed by the royal charter of Maryland from these fines and other encumbrances, turned round after a quarter of a century and saddled them on others. And the curious situation resulted in the fee-ridden colony, that the one servant liable was forgiven the debt he owed; and then he collected from others who owed none, whether by law, usage, or contract.

The Baltimorean jurisprudence which went to build up the constitution of Maryland was Tudoresque; that is, it evolved by proclamations and plantation conditions. From this one point of view we may admit that Cecil Lord Baltimore did not feudalize his province; for nothing was more remote from the *meum et tuum* of the feudal system than edicts and bureaucratic methods; nor was anything likely to be resented more than extortion. Yet, with all his show of a spurious feudalism, he did not allow himself to be caught in the technical meshes of the genuine thing. When expedient, his jurisprudence was more than Tudoresque; it was retrospective. Expressly as retrospective measures, were the Statutes of Mortmain proposed, no less than inalienability of manors, "etc."<sup>26</sup> However, if Lewger, who professed that he was guiding himself by "order from your lordship," could convey to him the satisfactory information, that without law or warrant he was levying taxes, at least on the clergy;<sup>27</sup> and if he seriously propounded in his Baltimorean code that the "lay fees," and the "spiritual fees," as he magnificently styled the purchases made by the colonists,<sup>28</sup> should be tossed up for and shuffled

<sup>22</sup> Kilty, J., 56, 57; September 22, 1658; October 4, 1660..

<sup>23</sup> 2 Blackstone, *Comm.*, 72, 89; 1 Stephen, *Comm.*, 199, 200.

<sup>24</sup> McMahon, 174, 175.

<sup>25</sup> We pass over "reliefs," another curiosity of Baltimore's. See Thomas, p. 94, who gives no date for that apparition.—Cf. 2 Blackstone, 65, 87.

<sup>26</sup> History, I. 503; II., *supra*, p. 626.

<sup>27</sup> History, I. 409, 424, 427.

<sup>28</sup> Documents, I. No. 11, §§ 9, 14.

about from the owners to needy adventurers;<sup>29</sup> it is not passing strange that Baltimore should sell and be paid, and then "resume or reforme such graunts" where he had made them,<sup>30</sup> refuse them where he had not, and revert to the primitive simplicity of the ancient Germans, who passed their fiefs round every year, to keep the spirits of the men detached from locality and exempt from property.

All this we consider to have been "feudalizing" the province with a vengeance. And, to resume a former figure, the tepid feudalism of the charter was heated till it evaporated in an atmosphere of attenuated legality which escaped the laws of England, and did honour to the alchemy of Baltimore and his London lawyers. Mr. John Langford, we have every reason to believe, was one of these; and he deserved 15,000 acres as his fee for helping to strangle Maryland with a new-fangled feudalism.<sup>31</sup>

3. We are said to have used the word, "allegiance," instead of fidelity or fealty, when speaking of an oath introduced into Maryland. This exception has not been correctly stated. We used the term, Fealty and allegiance. "allegiance," when we meant to connote something more than fidelity. We fixed the point of view by saying: "The Baron of Baltimore had not yet put himself forward in the sovereign capacity of demanding an oath of allegiance to himself."<sup>32</sup> The oath of fealty was an afterthought; though the contempt for the liberties of freemen, as implied in such afterthoughts, had been exhibited in the course of the very first voyage to Maryland (1633), when secret instructions communicated with deliberate forethought to the governor and commissioners bade steps to be taken aboard ship and in America, with interrogatories and oaths, nothing having been said publicly before the wayfarers embarked in Baltimore's ships.<sup>33</sup> When and where the oath of fealty first cropped out may be seen in the evolution of plantation conditions; in the earlier stages of which there is no sign of such an oath.<sup>34</sup> But where this afterthought ended has a right to be noted here; that it may substantiate its title to be called an oath, not of fidelity, but of allegiance.

Still, it is to be observed that Baltimore alone is not responsible here. There was that ingenuous Father White, who actually coupled Suggestion of his lordship's name with those of the French, Spanish, and an evolution. Italian "soveraignes," as models for him in a royal art of monopolizing things; but, circumspectly enough, White did not mention the English king in such a connection. The good Father continued to place matters and Baltimore on the high level of the *jus gentium*, by

<sup>29</sup> History, I. 400, 401, 409, 410.

<sup>30</sup> Documents, I. No. 11, § 16.

<sup>31</sup> Cf. History, I. § 48, on general lay matters; §§ 49, 52, 63, on religious affairs; II., *supra*, §§ 80, 83, 84.

<sup>32</sup> History, I. 391; cf. *Ibid.*, 451.

<sup>33</sup> *Ibid.*, 262.

<sup>34</sup> *Supra*, p. 626.

expanding on "the mayntenance of your lordships person after that decent manner as princes are by right of nations mainteyned in splendour according to their place."<sup>35</sup> There was besides the ingenious John Lewger, whose style was unctuous with "the prynce" of Maryland and voluble references to "Christian prynces," and even to other "Catholique countryes," as if Maryland ranked with them.<sup>36</sup> In the midst of such provocation from benevolent and patient gentlemen, who professed themselves ambitious of vassalage, it was not to be expected of human nature but that, when Baltimore went about underpinning his establishment with the old timbers of a dismantled feudalism, he should think also of putting a handsome, brand-new façade upon it. So he introduced an oath of fealty to himself.

The manufacture of the oath seems to have begun very artlessly in 1641, with the Indian land question. The engagement under oath not to accept lands from Indians had an innocent-looking supplement, about defending and maintaining Baltimore's title, right and "royal jurisdiction," according to the charter.<sup>37</sup> This attempt of Baltimore's was a failure, being privately buried without inquest, like other protocols submitted to the Jesuit Provincial; and it was reserved for exhumation only in our day. Five years later, however, the oath slipped into the province, during the local revolution (1646). Then it was served up in a Concordat to the Jesuit Provincial, for the particular entertainment of the missionaries. By local enactment of the freemen some "oath of fealty" was enacted, on March 4, 1648. And at last, in full maturity, the formula appeared, "given at Bath, under his lordship's hand and greater seal at arms, the 20th day of June, 1648." This was a fifteen years' incubation from the inception of the Baltimore plantation.<sup>38</sup>

The oath was now a little treatise, and no longer the little supplement interred in 1641. It went far beyond the terms of feudal fidelity to any mesne lord. It ran in a style which transcended the terms of allegiance, taken to the lord paramount, the King of England, in the oath of six hundred years' standing. For this latter simply contained a promise "to be true and faithful to the king and his heirs, and truth and faith to bear of life and limb and terrene honour; and not to know or hear of any ill or damage intended him, without defending him therefrom."<sup>39</sup> Baltimore's oath of fidelity seems to have been copied by him from a statute, which should have been particularly offensive to a Catholic lord—that of the third year of James I., against Popish recusants; and the part about discovering to his lordship or chief governor of Maryland any

A little oath of fealty, by obreption, 1641.

A great oath, in plantation conditions, 1648. Its anti-Popish model.

<sup>35</sup> History, I. 898.

<sup>36</sup> Documents, I. No. 11, "The Cases," *passim*.

<sup>37</sup> History, I. 501. Documents, I. No 12, B; November 10, 1641.

<sup>38</sup> See *supra*, p. 629.

<sup>39</sup> 1 Blackstone, *Comm.*, 367, 368; 2 Stephen, *Comm.*, 401.

conspiracy was directed in the act of James against his Holiness the Pope, whose "sentence or declaration" was feared.<sup>40</sup>

There was, indeed, a decent antecedent in Maryland to this oath of fidelity, conceived in precisely the terms of the same Stuart anti-Papist oath, though probably the freemen, largely Catholic at the time, did not know of its technical origin. It was decreed in 1639; and it was an oath of allegiance to King Charles.<sup>41</sup> The form of it being impressed

now (1648) into the service of the lord palatine, at a moment when the king's cause was sinking very low, it looked as if it were bringing down allegiance by devolution from the king to the lord. In fact, with the disappearance of the Baltimore-Lewger code, proffered in 1639, all mention of allegiance to the sovereign disappeared likewise from the records.

The anti-Papist oath of James I. did not profess the minuteness and comprehension of feudal servitude, which appeared now in the little treatise of oath-bound promises to "the true and absolute lord and proprietary" of Maryland. In what pretended to be an oath of fealty to a mesne lord, everybody undertook to defend Baltimore's "royal jurisdiction and dominion"; to abstain at all times from "words or actions, in publick or in private," which might derogate from a multitude of things concerning him, eight in number, beginning with "right," and ending with "dominion"; to denounce "with all expedition" whatever one should "know or have cause to suspect," etc. The comprehensiveness of the formula was matched by the extension of the colonial liability. Every planter was to swear, though he had not the obligation nor drew the profits of any civil office or lucrative trust in the province.

Then Baltimore "did visibly adhere to the rebels in England," the same who were at war with his own feudal superior. If he had merely

regarded the Commonwealth as a *de facto* government, holding the reins of power in continuity of system with the feudal kings of England, Baltimore, the vassal, might have had something to say for himself, when accused of treason

in the court of his liege lord. But the Commonwealth was anything rather than a *locum tenens* of royalty. It had disowned the whole system; it was at war with the king; it never contemplated its own extinction. Baltimore's higher feudal lord supervened, disowning his vassal, and appointing Sir William Davenant to go and displace the proprietary of Maryland (February, 1650). Davenant never reached his destination, being intercepted in the English Channel by a parliamentary cruiser. Baltimore submitted to be redressed and reconstructed by Cromwell. He left royalty out of his charter; and at the same time, when Cromwell's committees were met "to consider of the business touching renewing of charters, with powers to send for persons to advise

<sup>40</sup> 3 Jac. I., c. 4, § 9. Cf. *supra*, p. 618.

<sup>41</sup> *History*, I. 461.

with, &c., &c.," and "to consider of fit persons for preparing charters, &c.,"<sup>42</sup> he took his property back from the Commonwealth by a new patent; of which the paragraph extant, with royalty expunged, looks as if it were the entire substance of the document.<sup>43</sup> All the rest of the original charter, being elaborately feudal in its grant of making the proprietary a lord palatine, had neither place nor favour with the usurping Protector; as Blackstone remarks incidentally of the military tenures, that during the usurpation they were discontinued.<sup>44</sup>

Thus by the act of his superior, Charles II., the liege sovereign who had disowned him, the "absolute lord" had become an absolute feudal non-entity. His case of escheat for recreancy was peremptory, though still subject to an appeal for a hearing in the court of his higher lord. But Baltimore aggravated the situation by throwing himself wholly into the hands of the king's enemies. By feudal law a feud was a "benefice," the title to the property remaining in the higher lord, and the usufruct being granted for the consideration of perpetual fidelity and service; so that the word, feud, was even taken baldly to signify the service alone.<sup>45</sup> This being reneagued and thrown off, the property allowance, which was purely stipendiary, fell off with it, and the usufruct returned to the superior. So the Laws of Henry I., King of England, c. 88, had it: "*Forisfacere feodum propter feloniam*"; the feud was forfeited for felony.<sup>46</sup>

Baltimore, now a feudal non-entity, had found a new footing, as a landholder under the Commonwealth. He could rent or sell lands, like any common landlord. He remained vested with the municipal government of the place; and the tenants owed him the obedience due to a civil authority. But, when the Puritans "scrupled exceedingly" tendering an oath of fealty to such a landlord, they were not far astray.<sup>47</sup> They had, no doubt, their own reasons. But there were other reasons much more decisive in the essential constitution of feudalism.<sup>48</sup>

<sup>42</sup> P. R. O., *Dom. Interregnum*, 122, I, pp. 8, 18; February 8, June 10, 1656.—*Cf. Ibid.*, *Cal.*, i. 437; February 29, 1656. See *supra*, p. 54.

<sup>43</sup> See *supra*, p. 56.

<sup>44</sup> 2 Blackstone, 77.

<sup>45</sup> Du Cange, s.v., "*Feudum*"; from Otbert, Cujacius, *Leges Alfonsinae*, etc.

<sup>46</sup> *Ibid.*, s.v., "*Feudum Perdere*."—*Cf.* 2 Blackstone, *Comm.*, 45; 1 Stephen, *Comm.*, 178, 179.

<sup>47</sup> Scharf, i. 201.

<sup>48</sup> We may be allowed to assume that Scharf's idea of feudalism, which is somewhat less than rudimentary, gives no measure of the knowledge prevailing in learned historical societies; though a number of publications which have issued from a certain Historical Society leave some doubt on the subject. Scharf states clearly enough the *corpus delicti* imputed to Baltimore: Charles II., says he, "issued an order deposing the proprietary, on the ground that he 'did visibly adhere to the rebels in England, and admitted all kinds of sectaries and ill-affected persons into the plantation.'" This Scharf criticizes to the effect, that Charles II. presumed "to annul his father's [*Charles I.*'s] charter at his own pleasure; an act which, from a king in the plenitude of his power, would have been arbitrary and tyrannous, but from an exile without an army, without a crown and without a kingdom, was ridiculous" (i. 205). This is the talk of pure commercialism, which mistakes feudalism, and a feudal charter, for selling and buying. In feudalism, everything



Then came the Restoration of Charles II. (1660). By doing nothing and saying nothing at that busy moment, Baltimore escaped notice in Survival of a England. His parliamentary associates were hiding for feudal mask. their lives. The cavaliers were looking for their estates. In the same year an act of Parliament did away with all the burdens of feudal tenures, as we mentioned before.<sup>49</sup> On the other side of the ocean, the colonists in Maryland understood nothing of the defunct feudalism, which, being unchallenged, passed for a thing in being, as if the place were still under the king's charter of 1633. It is a curiosity of constitutional development, and it was a prime exploit of Baltimorean diplomacy, that, by simply remaining quiescent and saying nothing, the proprietary should have managed to parade the mask of a thing dead; and by means of it impose burdens, and collect from others what was not due, and in large part had never been due. By lying low, he accomplished more than if he had recovered his former feudal status through a new charter from the sovereign whom he had renounced. So Galba said when evading the notice of Nero: "No one is called upon to give an account for doing nothing, *Quod nemo rationem sui otii reddere teneretur.*"<sup>50</sup>

### III. JESUITS IN THE PREMISES.

§ 249.—1. The foregoing observations suffice for the general questions, constitutional and historical. But it is the subject of the Jesuits which underlies many of the misconceptions. The structure of a feudalism misconceived and of a constitutional development ignored would never have been set up so laboriously, were it not for the necessity of locating certain responsibilities. Acts of Cecil Lord Baltimore have been defended by the simple device of shifting the responsibility over to other shoulders. The Jesuits have been awarded the honour of supporting and screening dubious sides of my lord's administration, as Caryatides do in structures more solid.

In a general plea for some incontrovertible right of Baltimore to make vassals of everybody, divers writers have said plaintively against

from top to bottom was linked together by the moral and chivalrous idea of fidelity, sworn to as the *quid pro quo* for the gift received, the benefice, the feud. And the case, so flippantly described by Soharr, was just one of those contemplated as entailing the extreme penalty of forfeiture, for oneself and all one's heirs: "Toute sa vie le [fief] peut home perdre et perd, par deffaut d'homage et par autres choses; et lom peut perdre et pert, pour Dieu renouer, et pour estre traistour vers son Seigneur. . . . Ce sont les choses . . . pour quoy l'on peut et doit . . . estre desherites lui et ses heirs. . . . Qui traist son Seigneur, et le livre à ses ennemis, qui porchasse la mort et le desheritement de son Seignour, et est de ce atteint et prové, qui vent par l'assise son Fief, qui est appelle de trahison, vencu en champ, ou defaillant de venir soi deffendre en la Court de son Seignour de la trayson que l'on lui met sus, se il est semons [semoné?], si come il doit" (Du Cange, *loc. cit.*; the Assise of Jerusalem). And the Laws of Henry II., King of England, c. 48, have it: "Qui proditor domini sui fuerit, quicumque ab eo in obviacione hostili vel bello campali fugerit, vel victus fuerit, vel feloniam fecerit, terram suam forisfecit" (*Ibid.*, s.v., "Forisfacere feudum").

<sup>49</sup> 12 Car. II., c. 24; 1660. Cf. *supra*, pp. 681, 688.

<sup>50</sup> Suetonius, *Galba*.

the tenor of our first volume, that the Jesuits in particular learnt how much they owed to the proprietary, because when he could not stand any longer on his feet neither could they on theirs. It is possible that, from so interesting a fact as their own capture and deportation by Parliamentarians, the Jesuits, who are thought to be alert enough, may have learnt something; as, for instance, that they owed very little to Baltimore's government. But from the argument advanced in the expostulation we learn nothing. It is negative; that Baltimore could do nothing for them.

Yet this negation is employed to insinuate that, at those other times when the proprietary was able to do something, and to stand erect, he was affording the Jesuits a feudal protection, because they too stood erect; and it is left to be inferred that therefore the Jesuits and all colonists should, like good vassals, have been ready to meet all exactions, and profess fealty of all kinds, and turn common spies and informers, because Baltimore protected them at some time or other. Here there is a patent and manifold mistake. The ordinary protection of government is not the feudal protection of vassals. Still less does the incapacity to afford the commonest protection of government prove anything except the government's own demise; nor does it ground any right except that of ignoring the whole establishment, as being a hollow shell. Common security afforded at some time or other, yes and all the time, was the commonest duty of a civil administration. It had nothing to do with the beneficence of a fee granted and the gratitude of reciprocal service rendered, which lay at the basis of all rights and duties, as between feudal lords and feudal vassals.

A set of particular pleas, to support the proprietary and to indict the Jesuits, have been put in order by the editor of the *Maryland Historical Magazine*. They are as follows: That the Jesuits were at issue with the proprietary because they did not want to pay quit-rents on their lands; nor contribute to the defence of the colony; nor hold Indian lands as subject to the charter of Maryland; nor be subject themselves, or their servants either, to the temporal law in things temporal. Each one of these indictments is stated inadequately or gratuitously, and therefore incorrectly.

W. H. Browne: four counts against the Jesuits.

To convict the Jesuits on each of these four counts, four observations are made, equally incorrect. For they are professedly drawn, not from documents, which are abundant in the contrary sense, but, says the editor, from the fund of "the ordinary unprejudiced mind," which serenely declines to meddle with documentary evidence.

The first observation, in favour of rents for Baltimore from the original adventurers, assumes that there were original Conditions of Plantation, which gave Baltimore such a right. But the original Conditions of Plantation gave nothing of the kind.<sup>1</sup>

Rents.

<sup>1</sup> *Supra*, p. 624.

Captain Cornwaleys,<sup>2</sup> Father Copley,<sup>3</sup> Father White,<sup>4</sup> all remonstrated with Lord Baltimore for extending himself and his claims beyond the original, or first Conditions of Plantation.

The second observation purports to descry "no reason" why any exemption should be granted the missionaries, in the matter of certain temporal burdens. But the reason is given expressly in the Charity.

documents; that the missionaries were discharging a public charity at their own expense.<sup>5</sup> In the words of a recent judicial decision: "Whatever is gratuitously done or given in relief of the public burdens, or for the advancement of the public good—in every such case as the public is the beneficiary, the charity is a public charity."<sup>6</sup> In this line of thought, Captain Cornwaleys indited several prolix pages of a letter to Baltimore, exhorting him to show some respect for the Church; and he professed that both he and Jerome Hawley were still willing to serve the colony, if they found Baltimore still willing to stand by his original engagements, and preserve the interests of the Church.<sup>7</sup>

The third observation propounds that Baltimore "held all the province under his charter," so that there was no other "source of authority Indian church in the province besides the King of England"; it assumes property. that Indians could not dispose of their own property save with permission of the King of England; nor even, as was the case with Mattapany, allocate their land for their own spiritual service. But Baltimore himself dispelled all this fiction. He bought Augusta Carolina from the Indians, who alone had the authority to dispose of it. And he himself sued the Provincial for a title, and obtained from his assembly a legal claim to the pre-emption of Indian lands. By his charter he had no exclusive authority in face of the freemen; and still less by any right in face of the Indians. The authority over the land which they occupied was all theirs, except so far as they allowed him to share it by gift or bargain.

The fourth observation is self-contradictory, that "to exempt any class of tenants from the operations of the temporal law in matters temporal would have been to create an *imperium in imperio*." An *imperium in imperio*. This erratic conception of an antagonistic authority being created by Baltimore's exercising his authority was not admitted by Baltimore himself; who offered "privileges and immunities" wholesale on behalf of others than clergymen;<sup>8</sup> but never imagined that he was creating an *imperium in imperio* by the use of his authority, in the

<sup>2</sup> History, I. 394, *ad calcem*.

<sup>3</sup> *Ibid.*, 400, *post med.*, 414, *ad calcem*.

<sup>4</sup> *Ibid.*, 395, *med.*

<sup>5</sup> *Ibid.*, 403, *post med.*; Copley to Baltimore.

<sup>6</sup> Judge Evans, Court of Common Pleas, Columbus, O., *vs* Bishop Watterson, *vs* the State auditor and treasurer; 1904. This definition of a public charity was borrowed by the Ohio judge from a Pennsylvania court.

<sup>7</sup> History, I. 405-407.

<sup>8</sup> *Supra*, p. 634.

act of showing it. There was no antagonistic authority created in the province by the freemen, when they accorded a clerical immunity or privilege to the cloth, allowing the Fathers to absent themselves from the assembly, although bound to attend as freemen.<sup>9</sup>

There were a dozen other issues opened with the proprietary, many of them concerning all the colonists. But all are despatched by the editor summarily, from the same fund of "the ordinary unprejudiced mind," which insists on remaining detached from documentary evidence. It is said that the Jesuits, "escaping" from England and its penal laws, expected the reconstitution in their favour of the "right of sanctuary, exemption from public burdens, control of matters matrimonial and testamentary, immunity from the temporal laws and courts, and the right to accumulate in the hands of their Order vast and inalienable possessions." All this is evidently taken from the "canon law" fiction, which the Historical Society in question owes to the ingenuity of B. T. Johnson.<sup>10</sup> There is, after the Clementine Decretals, a section of the canon law called *Extra-vagantes*; but there is no trace of this Maryland product even there.

Like the writer next to be mentioned, who comes to his relief, the editor roundly affirms that the General of the Order decided against the Fathers, in favour of Baltimore; "and thus ended the controversy." It ended in quite another way, by the dissolution of the mission in the face of Baltimore.<sup>11</sup> Some further opinions are broached which are transcendental; that is to say, they are not only wanting, like the foregoing, in the gravity of historical monuments to ballast them, but, with a specific levity all their own, they float to no perspicuous conclusion. Thus it is urged that Lord Baltimore was a Catholic; and that, since his province went to pieces twice, without his being able to help himself or the Jesuits or any one else, it is clear "what they [*the Jesuits*] owed the proprietary and the charter." Nothing could be clearer. But why is this said? Another transcendental observation is that which comes from the subjectivity of an "ordinary unprejudiced mind" and aims at the subjectivity of the author's mind; who, having brought documents which give offence, should be visited for the offence which the documents bring. It is said that the author, who dared do such a thing, is "theological," "astigmatic," or, as another of the school puts it, "violently partisan"; and the point is incontinently illustrated by our treatment of Baltimore's order to "kidnap" Copley. As we have treated this matter in accord with Aristotle, the British common law, and a Maryland statute, we infer that all these too are clerical in their ethics.<sup>12</sup> But, what the

A count  
against the  
Jesuits from  
"canon law."

Counts  
domestic, and  
transcendental.

<sup>9</sup> History, I. 383; 404, *ad calcem*.

<sup>10</sup> *The Foundation of Maryland, and the Act concerning Religion of April 21, 1649; Prepared for . . . the Maryland Historical Society; 1888. See infra, pp. 646, 647.*

<sup>11</sup> *Supra*, pp. 16, *seq.*

<sup>12</sup> *Supra*, § 246.

inference from all this subjectivity may be as to the objective evidence, we cannot with precision formulate ; any more than we can settle the tonnage of a ship by getting a measure of the captain.

The documentary freight, however, may all be seen and weighed in *History*, I. §§ 48, 49, pp. 390-416.

The Rev. W. T. Russell approves of this editor's matter, referring with deference to the promulgation of it, as "Dr. [W. H.] Browne's review" of our former volume.<sup>13</sup> He repeats varieties, and W. T. Russell: rehearsals and amplifications. enriches them. He says that the General of the Order "upheld" Baltimore against his own missionaries ; that he gave the decision "in favor of Lord Baltimore" ;<sup>14</sup> and he quotes from our pages some letters of the General, which state just the contrary, that it was "for the sake of peace" the baron might be allowed to have what he wanted.<sup>15</sup> This is what any prudent man would do when dealing with a prepotent aggressor, whether on the highway or in a high Palatine's way. On the very same page cited from us the General approves of all that the missionaries had done in the matter of the contested Indian land ; for he states that the property had passed now under the higher jurisdiction of the Pope—a circumstance quite impossible, if the land had been illegitimately acquired. Yet we are quoted for these documents, as if we were responsible also for the perversion, the extent of which may be seen in our pages.<sup>16</sup> This writer brings in the Pope as giving "advice" to the General ; and Pope Alexander VI.'s Bull of Demarcation, as exhibiting some unspecified "custom of the Church."<sup>17</sup> He adduces from Chancellor Kent the assumptions made necessary in U.S. Federal law of a century and a half later, as if they touched the state of the question, one century and a half earlier, when, no law nor charter governing the case of Indian lands, Baltimore went about begging the Provincial and the freemen to give him a title.<sup>18</sup> The discordant and vacillating nature of this superimposed Federal jurisprudence we had exhausted in *History*, I. § 73, pp. 574-576. The supposititious Concordat, submitted by Baltimore to the Provincial, Silesdon, is silently presented by this writer as a cession of the General imposed on the Provincial Knott, four years earlier (1643) ; and again our page is quoted as if we had given our blessing to this *mésalliance*.<sup>19</sup>

Russell refers the origin of two provisions in the Maryland State laws at present "to the struggle between Lord Baltimore and the Jesuits."

<sup>13</sup> Russell, *Maryland, The Land of Sanctuary*, p. 170, note 8.

<sup>14</sup> *Ibid.*, pp. 105, 148, 149.

<sup>15</sup> *Ibid.*, p. 169.

<sup>16</sup> *History*, I. 557-559 ; II. 21, 22.

<sup>17</sup> Russell, pp. 170, 171.

<sup>18</sup> *Ibid.*, p. 168-166.

<sup>19</sup> *Ibid.*, p. 170, note 1, to the General's letter, October 31, 1648 : "Hughes, p. 558, quoting *General Archives*. See Appendix I." ; which Appendix is entitled : "Convention between Lord Baltimore and the Superior Provincial of the Jesuits in England."

First, "no ecclesiastic may sit in the General Assembly." But the documents are explicit on the origin of this, that it was a clerical immunity asked for by the Fathers, and granted by the freemen, before there was any friction between the missionaries and Lord Baltimore";<sup>20</sup> and this grant of a clerical immunity does not seem to have created any *imperium in imperio*, such as the editor of the *Maryland Historical Magazine* timorously apprehended. Secondly, "no gift, sale or devise of land, nor gift nor sale of goods or chattels, to take effect after the death of the donor or seller, can be effective without ratification by the Assembly." As this modern State provision makes a point of the limitation, "after the death of the donor or seller," the identity of its purview with 9 Geo. II., c. 36,<sup>21</sup> must place the remote origin of the Maryland State law in 1736, a hundred years after the controversy of Baltimore with the Jesuits. Otherwise, if the Maryland law is referred for its origin to Baltimore's Conditions of Plantation (1648), it may be conceded that his sweeping prohibition of ecclesiastical succession to real property, and his policy of confiscating Church goods by forfeiture, did give a model for ostracism of the Church at the hands of the State.

Maryland  
State Laws  
and the  
Jesuits of old.

George II.'s  
anti-mortmain  
law, 1736.

Besides a partial use of documents clipped from our pages, this writer quotes a number of modern authors, from Chalmers down to the writer of yesterday. But we cannot accept the parole testimony of moderns against the recorded deeds of former times. It would be an offence against the Statute of Frauds. From all such data the writer infers, how unimpeachable was everything that Lord Baltimore did. As to the Jesuits, they are described by the same writer in these terms: "Those in the Church, with whose name his own was associated in opprobrium, whose supposed misdeeds he was compelled to bear the burden of, from whom he had hoped to receive support and sympathy, were at that very time leagued against him, and, to his way of thinking, were planning his ruin."<sup>22</sup> Notwithstanding so clear a case, the writer says: "The difficulty between Lord Baltimore and the Jesuits is still wrapped in considerable mystery." Here again we are quoted, as if we had written a mystery play, instead of history. Finally, the question is put by the writer on a proper basis, by sweeping all documents away, and having nothing more to do with them. The Jesuits being all wrong, except for their very good intentions, Baltimore's "Catholicity cannot be impugned. The invincible logic of such an unquestionable

Nullification  
of the Jesuit  
case.

<sup>20</sup> *History*, I. 382, 383.—In the very same note of Russell (pp. 173, 174, note), Johnson is quoted to the same effect and seemingly with approval, though contradicting what Russell then goes on to assert.

<sup>21</sup> See *infra*, pp. 660, 661, 664, 665.

<sup>22</sup> Russell, pp. 174, 175.—This complaint agrees with the pathetic passage of the Rev. C. E. Smith, who put into the mouth of the long-suffering Lord Baltimore the elegiac strain: "With the broken pledges of the priests before him, one almost hears Lord Baltimore exclaim: 'Ye disciples of Ignatius Loyola, ye are too hard for me, and I am this day weak, though anointed king.'" See *History*, I. 539, note 83.

fact cannot be obscured, much less smothered, under any amount of And of musty documents, raked out of holes and corners, frag- documents. mentary, dove-tailed and heaped up." <sup>22</sup> So, the documents being thus relegated, the history of the Jesuits lapses perspicuously into a "mystery."

B. C. Steiner, in the *American Historical Review*, repeats what the two former said; the theorizing of an "ordinary unprejudiced mind" by Dr. Browne, and the dislocating of events by the Rev. W. T. B. C. Steiner. Russell. But he cautiously introduces the rehearsal with a prophylactic introduction, which clearly deprecates any further comment: "The difficulty," he says, "seems to have arisen in this way." <sup>24</sup>

The original fund of fiction is a heritage from B. T. Johnson, of some thirty years ago; when, a consignment of Stonyhurst documents having come into sight, the worthy author tried to put the pieces together into a consistent drama. To interpret them, he B. T. Johnson's original speculation. wove a web of theory, which took in many things that were not in the documents. Mortmain came in, of which it is not apparent whether he knew more or less than McMahon. <sup>25</sup> He satisfied himself that Father Henry More was the author of the Maryland Act of Religion; <sup>26</sup> and he satisfied a certain branch of posterity that canon law was at the bottom of the trouble between the Jesuits and Lord

<sup>22</sup> Russell, p. 175.

<sup>23</sup> *Amer. Hist. Review*, xiii. 599, 600.—A distinguished jurist, formerly a member of the U.S. Cabinet, made in person his observations on various points of our former volume (January 31, 1908), and we gave him the following explanations: 1. The claims of Baltimore for a surrender extended, not only to lands, but to all rights, past, present, and future, of the Fathers as common colonists. (*Of Documents*, I. Nos. 21, p. 191; 22, 1<sup>o</sup>, p. 193.) 2. The eminent scholastic theologian of Dowsay, Dr. Francis Silvius (Du Bois), a person entirely foreign to the case, argued the question of Indian lands on the basis of civil law, and on Baltimore's premises; he decided adversely to Baltimore's claims. (*Ibid.*, No. 17, pp. 176, 177, Solution by Silvius.) 3. Canon law did not enter into the substance of any land question which arose (though it affected the conscience of any Catholic, who was guilty of injustice to the Church; cf. *History*, I. 410, "Seventhly"). 4. The operation of the Statutes of Mortmain was suspended for Maryland in its original constitution, by the express derogation of the statute, *Quia emptores*. 5. This derogation was introduced in the charter to modify precisely what it could affect, the paragraph on tenures derived, by any title whatever, from the proprietary. (Charter, ¶ xviii., Coke-Littleton; see *History*, I. 241, 602, 608.) 6. The Act, 1 & 2 Phil. & Mar., c. 8, which derogated in like manner and to the same effect, was explicit in dispensing from all Statutes of Mortmain, and from *Quia emptores*. (*Ibid.*, 242, 603, 604.) 7. Coke's authority is peremptory on the matter; and Blackstone agrees. (See *loc. cit.*) 8. The opinions of any modern lawyers as to how such a derogation would operate in modern times are irrelevant for those times. 9. There were no "general regulations" of Baltimore regarding Indian lands, before the question arose in the concrete between the colonists in general and the proprietary. 10. Long before he obtained from the freemen any statutory regulation on the subject, Baltimore seized, sequestered, and gave away the land of the Indians, appointed by themselves for their own spiritual service, and vested in the missionaries for that object. (*History*, I. 477, 480; II., *supra*, p. 627. *Documents*, I. No. 16, *Notandum*, 6<sup>o</sup>; cf. *Ibid.*, No. 17, p. 175, [iii] where, this actual state of the question being suppressed in the case as presented to Silvius, we may infer from that circumstance as well as others, that the doctor's opinion had been asked for in Baltimore's interest.)

<sup>25</sup> Cf. *History*, I. 594, *ad* note 13; 613, *ad* note 28.

<sup>26</sup> *Ibid.*, 421, *ad* note 10 (cf. *supra*, pp. 14; 37, note 9).

Baltimore. He knew nothing about canon law, no more than Streeter knew about the *Bulla Coenae*.<sup>27</sup> In our former volume we devoted a little section to the matter, that something might come to be known about it by the misdirected auditory of his disciples.<sup>28</sup> Johnson's performances on this ground were so remarkable that a paragraph of his, consisting of less than eight lines, exhibited eight distinct errors.<sup>29</sup> Still his reverie glistening with such gems made its fortune, as we noted in the places just cited. One writer, J. W. Thomas, quoted at great length the worst parts of it from what he called "the same admirable treatise"—<sup>30</sup> probably because it was as new to him as to all the rest of the world, except that part of mankind which, like Johnson, had imbibed Blackstone's anti-Popery. The three writers, whom we have just considered above, have all followed Johnson; and one of them has placed our former volume in immediate juxtaposition with Johnson's, "for a more complete understanding of the question,"—the question at the moment being, what the General of the Jesuits did, and what "the voice of Rome" was.<sup>31</sup> From this we are to understand that we too belong to the same school after all. Such being the case, we sketch so much of the school's antecedents, as will show the obligations of Jesuit history in the premises.

2. The first classical history on old Maryland times was that of Oldmixon, who in 1708 produced *The British Empire in America*. There was nothing to prevent him from appropriating or fabricating anything. In relation to West Indian affairs, T. W. Field describes Oldmixon as one of a set of "literary thieves," every one of whom "believed that he was stealing the unadulterated gold of veracious history from each of the mendacious robbers who preceded him."<sup>32</sup> It was he who fabricated the story, which has passed down as an heirloom through a series of literary heirs, that King James II. intended to take the government of Maryland away from Charles Lord Baltimore, "instigated to it by Father Peters [*Jesuit*]." Oldmixon says he does not know why it was so, and he sees reasons why it should not have been so; "but," he continues, "'tis very certain that he [*Father Petre*] was the first instrument of the Lord Proprietary's losing the government." Of course, Baltimore did not lose his government under James II., neither in fact, nor by right, as the writer acknowledges; but, after the Orange Revolution, Baltimore did lose the government in fact, and by the same right as before. So, no reason or right having appeared in the premises, Oldmixon delivers himself as follows: "After the Revolution, this Lord [*Baltimore*] had no reason to

<sup>27</sup> Cf. *History* I., 486.

<sup>28</sup> See *History*, I. § 53, pp. 483-446. And, on the perfect understanding which subsisted in Catholic times between civil and canon law, see the history of mortmain statutes, *Ibid.*, Appendix C, pp. 578-616.

<sup>29</sup> *Ibid.*, pp. 127, 128.

<sup>30</sup> Thomas, pp. 87-90, note 3.

<sup>31</sup> Russell, p. 170, note 8.

<sup>32</sup> Field, T. W., s.v. "Rochefort, De," pp. 333-335.

The pedigree of Maryland history. Oldmixon, 1708.



look for anything but strict justice ; for 'twas known, he was not a little zealous in opposing it. King William III. of glorious memory, being settled on the throne, the steps that were taken for annexing the government of Maryland to the Crown in King James's reign were with much more reason continued ; and, after a long and expensive dispute at the Council Board, the Lord Baltimore was deprived of that part of his power." What one constructive robber, James II., "instigated to it by Father Peters" for no apparent reason, had not done, the other, William III., "with much more reason," did ; and it was all the doing of a Jesuit.<sup>33</sup>

In other Maryland affairs, where this freelance of an historian could not pillory a Jesuit on his page, he found that neither theft nor fabrication helped him to find fustian for a story. He blamed the gentlemen of the province for not having supplied him with the information demanded ; and he piqued or punished them by pointing to the sorry figure which Maryland cut in the historical gallery of the colonies. But neither he in 1708, nor McMahon 123 years later, discerned the reason why the gentlemen of the province did not lend assistance. They knew no more than Oldmixon. Perhaps they knew so much the better for that ; since it is not ignorance which is contemptible, but the knowledge which knows things otherwise than true.

The heirs of Oldmixon had to take what he left them. In 1831, McMahon found nothing better to draw on for the earlier period, and McMahon, apologized accordingly by producing Oldmixon's apology, and 1831. throwing the blame on others. But, admitting the imperfection of the work, McMahon also accepted Oldmixon's affirmation that it was "the most perfect account of that province which had ever been published,"<sup>34</sup> and apparently the most perfect which was destined to be published for a couple of centuries. Certainly, some fifty years after

Maryland  
Catholics on  
their ante-  
cedents.

Oldmixon's time, the persecuted Catholics of Maryland knew little of their own antecedents. About the year 1756, they addressed the proprietary on their grievances ; and, correct enough as to their rights, they were incorrect in stating facts of even a generation before. After mentioning that the missionaries at the beginning had "found means to raise considerable sums to gain those establishments there, which they apprehended no known law of the place prevented them from doing," they confessed their inability to cite "the very express words of those terms and conditions of settlement" ; for, they continued, "it is said the originals were burnt in the registry office." But they would report "what can be gathered from tradition." They were positive nevertheless in averring : "Certain it is that the Roman Catholics were at first admitted to an equal participation with all other subjects in all the rights and privileges of government without

<sup>33</sup> Oldmixon, i. 330, 331.

<sup>34</sup> McMahon, p. 194, note.

any kind of distinction ; it being a known fact that they were for *above a hundred years after the settling of this colony* admitted to offices of magistracy and to places and preferments, and were even elected and appointed members of the Council and House of Assembly indiscriminately with other people.”<sup>35</sup> As Catholics had been turned out of their franchises some seventy years after the colony was founded, and the hundred years which the writers appealed to ended only a quarter of a century before the time at which they wrote, it is evident that these good people did not know what had happened fifty or even twenty-five years before. Father Beadnall, addressing the same proprietary, Father cited “an Act for Church Libertys,” passed “in 1640,”<sup>36</sup> Beadnall. and he proceeded to quote the provisions of the Act of Religion, 1649, which was quite different in its tenor.<sup>37</sup> We may well pass over a campaigning manifesto of 1808, which promoted the candidature of Major James Fenwick for the legislature in these terms : “As the historian says, 200 Catholic gentlemen, with their families and retinue, made the first settlement of Maryland, in St. Mary’s ; *and we are their descendants.*”<sup>38</sup> Advancing on this line of progression, increasing in theory and decreasing in facts, McMahon in 1831 made a more sweeping statement than even the political campaigner : “Religious persecution, beyond the denial of public trusts and employments, was almost a stranger to the province.”<sup>39</sup>

The lawyers had to interpret the law in past history as they imagined that history reported the law, or should have reported, had it come down. W. Kilty, Chancellor of Maryland, 1811, found the Statutes of Mortmain imbedded in the Conditions of Plantation, 1648, which we have considered so fully. But he saw no law any-where that could have brought them in ; nor the mask of a preamble to put a good face on them. Not to leave them without some foot to stand on, he took the liberty of presuming that they had already been accepted somehow. He reported to the legislature of the State of Maryland : “Although there were not in Maryland any religious houses, such as are the subject of the statutes under this head [*mortmain*], there is reason to believe that they were considered in force in the province. See the Conditions of Plantation (*Landholder’s Assistant*, p. 42).”<sup>40</sup> Here he explained the fact luminously by reporting it. Still his perspicacity did not fail to seek a better reason. He adduced the clause of the charter, by which the proprietary had “a right to erect and found churches, chapels and places of worship.”<sup>41</sup> But with this clause mortmain had nothing whatever to do. He might as well have tried to educe from the same clause, what the Hon. G. W. Brown, Chief Justice of the

<sup>35</sup> Brit. Mus. MSS., 15,489, f. 85v ; to Frederick Lord Baltimore, about 1755.

<sup>36</sup> *History*, I. 450 ; 1639.

<sup>37</sup> *Supra*, p. 86. Brit. Mus. MSS., *loc. cit.*, f. 66.

<sup>38</sup> *National Intelligencer and Advertiser*, August 26, 1808.

<sup>39</sup> *Supra*, p. 482, note 2.

<sup>40</sup> That is, J. Kilty, p. 42 ; the Conditions of 1648, § 12. Cf. *supra*, p. 629.

<sup>41</sup> Kilty, W., *Report*, 1811, p. 141, note.

Supreme Bench of Baltimore, did actually infer, that the proprietary was "the head of the Church. That is, he had the power of erecting and founding churches, and was entitled to the patronage and advowsons appertaining to them."<sup>42</sup>

3. Jesuits, in the knowledge of their own affairs, were not a whit better than the rest. On a foregoing page we have seen one Jesuit of modern times, who was stationed at an old Jesuit mission in Pennsylvania, professing so little acquaintance with olden times that he could not say whether his predecessors were Jesuits or no.<sup>43</sup> But, excusing him for the admitted shortness of modern vision, and leaving the profane ground of Pennsylvania to itself, we limit our view to the "land of sanctuary," and go back to times within hail of the events.

There is a manuscript ascribed to Father W. Hunter, and written after the accession of George I. (1714): "*Liberty and Property, or the Beauty of Maryland Displayed: Being a Brief and Candid Search and Inquiry into her Charter, Fundamental Laws and Constitution. By a Lover of his Country.*"<sup>44</sup> The writer, without suspicion of a pitfall, reasoned as follows: Father Copley received some grants of land, and had rights to 28,000 acres; therefore, in the "entire liberty and full enjoyment of all other rights, privileges and immunities of all subjects of Great Britain," the clergy, no less than the laity, had always liberty to buy, sell and transmit land; and the proprietary always respected such liberty.<sup>45</sup> This statement was entirely at variance with the facts of the case, as shown in the express terms of the Third, Fourth and Fifth Conditions of Plantation, rehearsed above.<sup>46</sup> The process of deduction from rights to facts was unwarranted.

<sup>42</sup> Scharf, i. 164; from Brown's "*Origin and Growth of Civil Liberty in Maryland*. Md. Historical Society Publication."—On the import of patronage and advowsons, see *History*, I. 289, 240.

<sup>43</sup> *Supra*, p. 497, note 7.

<sup>44</sup> Georgetown Coll. MSS.

<sup>45</sup> "There was also an entire liberty and full enjoyment of all other rights, privileges and immunities for all subjects of Great Britain, as to buy and sell, to take profits and enjoy, to transmit to their heirs, or to convey or bequeath unto any other, w<sup>t</sup> [with?] goods or chattles, lands or hereditaments, and in a word all their estates, or any part thereof, whatever real or personal. So that clergy and laity of all persuasions have taken up land of his lordship, bought of and sold to each other, and succeeded to estates by bequest or inheritance, without doubt or scruple, and the Lord Proprietary has not only allowed thereof but acted therein, in and from the infant years, as I may say, of their province; as it appears upon our Records (A.B. and H., fol. 27), where land is granted to Thomas Copley, or according to his assignment, the said Copley having rights, as the above cited Record[s] observe, to twenty eight thousand acres of land for servants imported into this province; though the said Thomas Copley was known to be both a priest and a Jesuit, and such did publicly profess himself" (*Loc. cit.*, pp. 9, 10). Some ten years or more afterwards, Father Attwood expressed himself more accurately, on the effects of Cecil Lord Baltimore's anti-clerical jurisprudence. See *Documents*, I. No. 29. However, the passage just given from the manuscript may be taken as a presentation of Charles Lord Baltimore's benign administration, during the years of which the writer had experience.

<sup>46</sup> *Supra*, pp. 625-629.

Father Killick, a colleague of William Hunter's, used the same record; and inferred in like manner that Copley, having made demands for 28,500 acres, had received them. But, seeing no trace of the property, he made a remarkable suggestion: "Of this great quantity of land he [*gave*] the far greater part to others, and reserved for the Society near 8000 acres."<sup>47</sup> The General himself could not authorize such an alienation, as he had given Lord Baltimore to understand.<sup>48</sup> Killick went on with his surmises about past history: "'Tis supposed Mr. Copley made Pulton his trustee of St. Inago's, but being an alien, viz. a Spaniard (as both his and his servants' names seem to declare), and not yet naturalized, or for some other reason, Mr. Copley chose Mr. Cuthbert Fenwick in his place."<sup>49</sup> Killick also imagined that for the first adventurers there was a limit of time to take out grants.<sup>50</sup> Again, it "is supposed," said he, that Fenwick applied 1000 acres of the trust "to some other use or place."<sup>51</sup> All this fencing with the unknown was within some seventy years after the events.

Ulysses after the sack of Troy was not in a worse plight, voyaging to find a home on *terra firma*, than Maryland was some eighty years ago to set up a history, after the sacking of records in the past. In 1837, the assembly heard of Jesuit documents in Rome, and voted an appropriation to obtain a copy of Father White's narrative, and "of any other document relating to the early history of Maryland, that may chance to be lodged in the said archives, or in any other Jesuits' house in Europe."<sup>52</sup> More than forty years later, a consignment of documents came over from Stonyhurst in England.<sup>53</sup> General B. T. Johnson gallantly attacked the isolated detachment, which was completely unsupported on its flanks. Not knowing what to make of them, he made out of them what he could, and more than was in them. He enveloped them in a web of theory; and he became celebrated. Then certain complementary documents were found among the *Calvert Papers*, and in the *Archives of Maryland*, "published by authority of the State, under the direction of the Maryland Historical Society, William Hand Browne editor"; but the meaning of them, as concerning Jesuits, remained undeciphered. Now we have supplied a whole round of papers, more than the Maryland legislature had ever aspired to, and apparently more than is welcomed. To quote from our Register<sup>54</sup> the sources which

<sup>47</sup> Documents, I. No. 24, p. 201.

<sup>48</sup> *Ibid.*, No. 6, G. H. N. R.

<sup>49</sup> *Ibid.*, loc. cit.

<sup>50</sup> *Ibid.*, 201, 202.

<sup>51</sup> *Ibid.*, 202.

<sup>52</sup> History, I. 29-31; act of March 20, 1837, and subsequent correspondence, 1837-1840.

<sup>53</sup> Cf. *Ibid.*, p. 10, (7), (b); p. 23, (27); p. 27, (32); the Maryland Historical Society publications of the documents, *Ibid.*, pp. 5, 13, 31.

<sup>54</sup> *Ibid.*, pp. 1, 2.

have supplied material for our early history of Maryland, there are Brussels ; Archives of the General S.J. ; English Province Archives ; Rome : the Barberini Library, Propaganda Archives, Vatican Archives and Vatican Library ; and Stonyhurst College—not to mention Jesuit sources in America.

The editor of the *Maryland Historical Magazine*, whom we mention with commendation, used a figure more forcible than elegant when he said that the time had passed for pouring an old liquid out of one bottle into another, and calling the thing a new History. More elegantly, a Protestant lawyer of Maryland delivered himself in a case of Father Ashton's (1780).<sup>55</sup> Scouting the authority of Robertson on matters concerning the Society of Jesus, he said : " Histories in general are only novels well wrote."

<sup>55</sup> On Campbell's land. Cf. Documents, I. No. 44.

## APPENDIX D

Text, § 80, p. 18 ; § 84, pp. 30-32 ; § 87, p. 45 ; § 210, p. 482,  
note 3.

### CHARITY AND MORTMAIN.

§ 250. The anti-charitable origin of mortmain in Maryland. § 251. The statutory embargo on charitable uses : 9 Geo. II., c. 36. § 252. Nondescript mortmain of the nineteenth and twentieth centuries.

**Manuscript Sources :** (London), Public Record Office, *Colonial Papers*, xlii.

**Published Sources :** Finlason, *Laws of Mortmain*.—*House of Commons, Reports, Committees ; Mortmain ;* 1844 (536), x. ; 1851 (483), xvi. ; 1852 (493), xiii.—Kent, *Commentaries*.—(Maryland), *Archives of Maryland : Proceedings of the Council, 1636-1667*.—*Massachusetts Historical Society Collections*, 5th series, ii.—Munro, *Seigniorial System*.—Perry, *Maryland*.—*Questions Actuelles*, lvii.-lix.—*Records*, ix.—Russell, F., *Eucharistic Bequests*.—*Statutes of the Realm*.—Stephen, *Commentaries*.

§ 250. In the Public Record Office, London, there is among the Maryland papers a document, which stands in conjunction with the representation, made by Charles Lord Baltimore to the Lords of Trade, March 26, 1678.<sup>1</sup> This was only three years after the death of Cecil Lord Baltimore. The sheet which we speak of contains the beginning of an act, or bill, or draft, which runs distinctly counter to the anti-charitable provisions of the deceased proprietary, Cecil Lord Baltimore, in his Conditions of Plantation. This anti-charitable policy of Cecil had infiltrated from a plantation document about buying and selling into the jurisprudence of the colony. Whereas, says Chancellor Kent, "we have not in this country re-enacted the Statutes of Mortmain, or generally assumed them to be in force,"<sup>2</sup> though Pennsylvania admitted a limited application of them,<sup>3</sup> Maryland had adopted them, in accordance with its retrogressive feudalism, and went outside of feudalism in anticipation of a more modern policy, that against all charitable uses.

We cite the document before us chiefly for the reason that it gives a good description of what is meant by the charity, education and piety, in view of which Cecil Lord Baltimore had smitten grantees or devisees of

<sup>1</sup> *Supra*, p. 115.

<sup>2</sup> Kent, *Comm.*, 282.

<sup>3</sup> *Ibid.*, 283.

land with "incapacity" to take what was offered. If the law or bill here reported was for Maryland, and of the date to which it is referred, it could not be clearer as a recantation of the policy which had been introduced, and as a sign that Charles Lord Baltimore disagreed with his father on the question of charitable uses. The paper runs thus :—

"An Act for Confirmation of

Pious, Charitable and Publique Gifts and Grants.

"To the intent that pious, charitable and publique gifts and grants (so necessary in new colonyes to be encouraged and made good) may not be defeated, but may take effect, according to the true intent and meaning of the donor or donors, devisor or devisors, notwithstanding any incapacity in the grantee or devisee, or those to whose use the same is granted or devised : Bee it enacted by the Kings Most Excellent Majesty, by and with the consent of the Generall Assembly, and it is enacted by the authority aforesaid, that all guifts, grants, conveyances and devises of any houses, lands, tenements, rents, goods or chattles, to any good, pious, charitable or publick use or uses, as for the maintenance of lawfull ministers, erecting or maintaining of churches, chappelles, schools, universities, colledges, or other places for the education or maintenance of men of learning, or any almshouses, hospitalls, or any uses whatsoever, heretofore or hereafter to be made, bee and are hereby for ever confirmed and made good."<sup>4</sup>

This description of charitable uses is tame compared with the very lengthy one given by Queen Elizabeth, when she desired to reconstruct charity after the spoliation of the Church.<sup>5</sup> Her act of 1601 endeavoured to recover "landes, goodes and stockes of money, heretofore given to charitable uses," but now mis-employed "by reason of fraudes, breaches of truste and negligence, in those that shoulde pay, delyver and imploy the same."

The material means, by which the great system of charity, education and piety, had been organized was largely the conveyance of land to uses. For, feudal lands themselves not being devisable, the use of their proceeds was devised, being appointed to such charitable purposes. Religion, or charity in general, had the benefit without the burdens of legal landed possession.<sup>6</sup> By applying the principles of equity, the Court of Chancery exercised jurisdiction over uses, and protected them ; which, even when

<sup>4</sup> P. R. O., *Col. Papers*, xlii., No. 40, i.; the last word, "good," is the cue to another sheet, which is wanting. There is no sign on the document, except some old paging, "(227)," "(228)," to which no other folios in the volume seem to correspond. No. 40 is Charles Lord Baltimore's representation, March 26, 1678. But in the printed *Calendar*, v., § 633, this 40, i., is not entered, having probably been found later. It might possibly belong to the legislation under the royal government, in favour of the Anglican clergy. Cf. Perry, *Md.*, pp. 177, 178. See *supra*, p. 441.

<sup>5</sup> See *History*, I., pp. 584, 585; 43 Eliz., c. 4, 1601. Compare 39 Eliz., c. 6; 1597-8.

<sup>6</sup> Cf. *Ibid.*, p. 611.

not practicable in the terms of a deed, it interpreted in the manner nearest to the donor's intention (*cy-près*).

A century before Cecil Lord Baltimore's time, Henry VIII. had proceeded to gather in the harvest of beneficiary property. He conceived and passed a Statute of Uses, which swept away the legal or nominal tenants between the property and the beneficiaries, and made the latter the legal possessors. Now he had the charities within the reach of law. He began operations with the monasteries. The smaller ones were given to the king by statute; and better things soon followed.<sup>7</sup>

Henry VIII.  
on uses; and;  
Cecil Lord  
Baltimore.

Cecil Lord Baltimore went deeper than Henry VIII. in this matter. He did not transfer uses into possession, so that they should acquire a statutory basis, and require another statute to dispossess the owners. He made uses incapable of recognition in the colony, proscribing them from the first. He dedicated to himself, by the title of forfeiture, any lands which should ever be entrusted to the conscience of a man for the ulterior object of religion or charity.

Henry VIII. soon mended the Statute of Uses by a Statute of Wills, allowing land to be devised in trust for religious or charitable purposes. As no other reason is discerned for this relaxation of feudal restrictions, it is inferred that the object was to reconstruct charity again, by allowing people who had shared in the plunder of the religious houses and chantries to make restitution at death, if courage failed them to do so during life. But an explanatory act excluded bodies politic and corporations from being the beneficiaries of such restitution. They had been the victims of the spoliation; and, like all injured people, had no right to forgiveness. They remained excluded from all such benefits till the Charitable Trusts Act of Elizabeth endeavoured to fill up the void of charity, which her father's, her brother's, and her own depredations had created.<sup>8</sup>

Henry VIII.  
on wills; and  
Lord Balti-  
more.

Cecil Lord Baltimore adopted and enlarged Henry VIII.'s policy of ostracism. Not merely by the way of will and testament, but by every other way, by gift, grant, sale, alienation or assignment, no lands, tenements, hereditaments, within the province of Maryland, could be conveyed to a body corporate, no matter who gave, devised or sold. He subjoined a condition: "without particular or special licence"; and he mentioned the Statutes of Mortmain prior to Henry VIII.—as if the lands sold in Maryland had the character of Norman stipendiary fiefs, or could ever have such a character.

Institutions, organization, perpetuity, belong to the essence of Christian civilization. Education, for instance, cannot be constructed on mendicancy; nor a hospital for the sick, on living from hand to mouth. Henry VIII. assaulted all perpetuity in the beneficiary use of

<sup>7</sup> Cf. History, I., p. 613.

<sup>8</sup> Finlason, pp. 43 44.—2 Kent, *Comm.*, 285.



any property. He enacted that all uses were void, if made for the service of "parish churches, chapels, churchwardens, guilds, fraternities, commonalties, companies or brotherhoods, erected and made of devotion, or by common consent of the people, without any corporation."<sup>9</sup> Ostensibly, such property was to be administered by commissioners, for the service of schools, for the maintenance of priests, for the poor, etc. But it reached its proper place, safe in the hands and the pockets of the king and his courtiers. Here there was no mortmain in question whatever; since there was no corporation. It was only the charitable goods that were wanted, with or without a plea.

Cecil Lord Baltimore adopted this policy against the perpetuity of charity. Not only "corporations," and "bodies politick," but "societies, fraternities, guilds," were excluded from the benefits of plantation conditions; and every body in the colony was inhibited from extending any benefit to them or appointing any charitable use, ever mentioned in the Statutes of Mortmain.<sup>10</sup> Every kind of association was banned. Perpetuity was banned. Any succession of persons, who might constructively be considered an association, could be cut off by the express reservation that his lordship might exclude any individual from the benefits of plantation;<sup>11</sup> and, in the case of Jesuit missionaries, by a universal prohibition ever to set foot in the province, without a specific licence to be had in each and every case.<sup>12</sup> In point of fact, as early as 1641, Baltimore had a custom-house operating in London for the detention of such undesirable goods as Fathers Rigbie, Hartwell and Cooper.<sup>13</sup>

Finally, the Baltimorean policy of confiscating whatever was deputed for a spiritual service, openly or by secret trust, received its last touch from the preliminary Chantry Act of Henry VIII., and the standard Chantry Act of the Calvinistic boy, Edward VI.<sup>14</sup> And, as the Crown always had the power to give a licence, but the property disappeared nevertheless, so the proprietary of Maryland always reserved the right to give a licence, yet there is not a sign in all his history of an acre having accrued to the service of charity, education or religion. It is worth while observing the resemblance of phraseology in Lord Baltimore's enumeration to that of Henry VIII. when despoiling charity and religion.

By Henry VIII.'s act, all chapels, chantries, hospitals, fraternities, brotherhoods, guilds, and stipendiary priests, having perpetuity for ever,

<sup>9</sup> 23 Hen. VIII., c. 10.

<sup>10</sup> *Supra*, pp. 28, 29; Conditions of Plantation, 1648, §§ 10, 12.

<sup>11</sup> *Ibid.*, § 11.

<sup>12</sup> *Supra*, p. 18, Concordat, § 4. Documents, I. No. 22, p. 194.

<sup>13</sup> History, I., 506, 526.

<sup>14</sup> 37 Hen. VIII., c. 4; 1545. 1 Edw. VI., c. 14; 1547.

and by licence incorporated, founded, established, lost all their lands, &c., which were "adjudged and deemed in the possession of the king." Edward VI.'s chantry act swept into the hands of the king's commissioners whatever could still be found of property appointed to the perpetual maintenance of a priest, or of divine worship through a priest's service, or of a light or lamp in any church or chapel. This act concerned only such chapels and chantries as were existing, *in esse*, at the time. In the preamble, the act went out of things existent, into the region of Calvinistic theory; that "Masses satisfactory to be done for them which be departed," that is, Requiem Masses for the dead, belonged to the Calvinistic limbo of "superstition and errors." That was no Miltonian "limbo of fools." For it was enacted that the substantial "trentals, chantries, and other provisions" for Masses should go into the Calvinistic bursae. Leaving the statutory enactment, and snatching at the preamble, judges espied, in Coke's terms, an "equity of the said act, which intended to extirpate all praying for souls."<sup>15</sup> This was not declaratory of the act, but an extension without legislative authority; the reason which the sequestrators advanced being substituted by judges for the law which the sequestrators enacted. *Ratio legis non facit legem*. Yet The origin of "superstitious uses." "superstitious uses" was built up by decisions of the courts, notably during the eighteenth century; and, in spite of judicial criticisms, holds its own to this day,—being "attributable," wrote Boyle on *Charities*, "not so much to the statute in question, as to the entire scheme of the Reformation." Judges have acknowledged that there is no statute anywhere to support this legal fiction of "superstitious uses"; but it came into being when chapels and chantries for divine worship went out of being; and there it remains *in esse* instead of them.<sup>16</sup>

Well might popular dismay cry out at the time: "Paternoster built up churches, and our father [*paternoster*] pulls them down"—for the sake of the lead in the roofs, of the copper in the bells, of the gold in the chalices. And Dr. Johnson might well sneer at our modern superiority, comparing "the sleepy laziness of men that erected such churches" with the "fervid activity of those who suffer them to fall." But it is only fair to record some American opinions, which may support this anti-clericalism. J. Belknap, of Boston, wrote to Ebenezer Hazard of Jamaica

<sup>15</sup> Cf. *supra*, p. 172, *ad* note 10.

<sup>16</sup> *House of Commons, Reports, Committees; Mortmain*, 1861-2. See Finlason, p. 238, digest of the evidence, on Lord Cottenham's judgment, 1885, citing Sir William Grant (in the case of *West v. Shuttleworth*). (*Ibid.*, 98, 99). Grant had decided, in 1798, that a bequest for the purpose of bringing up poor children in the Catholic faith was void, as "contrary to the policy of the law." (*Ibid.* p. 97).—Cf. Frank Russell, "Eucharistic Bequests," at Eucharistic Congress, London, 1908 (London, *Tablet*, cxii. 434): Sir John Romilly, in the cases of *re Michel*, and *re Blundell*, criticizing yet following precedents.—A similar process of judicial extension without statutory sanction took place in Maryland, where the Statutes of Mortmain were innocently or ignorantly accepted by the provincial courts from a landlord's paper. See *supra*, p. 627.

Plain, telling of "an excellent argument to justify the robbing of some rich Roman churches, and converting their useless treasures to more valuable purposes than the adorning of wooden saints, or the enshrining of rotten bones."<sup>17</sup> To the same tune Hazard piped in reply, asking, did not Henry VIII. proceed on the same principle, "when he converted the abbey lands, &c., to Protestant uses?"<sup>18</sup>—Every one will contribute some mite to religion, even though it be only "rotten bones," if he can find nothing else to contribute.

It was all in vain that Queen Mary endeavoured to reconstruct charity and religion out of the ruins. The plunder had already gone to build up the new nobility; and Disraeli has said that, one hundred years later, Tory lords joined the Whigs in ousting King James II. for fear they should have to disgorge the ill-gotten church estates. The act of Mary gave permission for gifts to be made in mortmain during twenty years to come; and it suspended the operation of all mortmain acts ever passed.<sup>19</sup> In the charter for Maryland George Calvert, first Lord Baltimore, imitated this act of Queen Mary; and a corresponding provision was put in the charter, not with the intention that it should become the dead letter which was made of it by the plantation conditions of his son, Cecil, second Lord Baltimore.<sup>20</sup>

Queen Elizabeth's efforts; but without restitution.

Queen Elizabeth tried her hand at reconstruction in a couple of important acts, to which we referred above.<sup>21</sup> But, as the sanctimonious intentions of Edward VI. to build up grammar schools and to help the poor, out of the chantry plunder, bore the usual fruits, which a Protestant preacher of the time described: the "pulling downe of grammer scholes, the devylishe drownynge of youthe in ignorance, the utter decaye of the universities, and moste uncharitable spoyle of provysion that was made for the pore"; so the sympathetic regrets of Elizabeth were not allowed to affect what the Crown had seized, or her courtiers had purloined.<sup>22</sup> That was not covetousness nor miserliness, as was shown in the case of Cecil, Lord Burleigh, who retired from the field of his operations and from this world, leaving only three hundred distinct estates behind him; for, said his ancient domestic biographer, "he might have had far more than he had";

<sup>17</sup> Cf. *supra*, p. 357.

<sup>18</sup> *Mass. Hist. Soc. Collections*, 5th series, II. 43, 46; March 13, April 1, 1780.

<sup>19</sup> 1 & 2 Phil. & Mary, c. 8; 1554-5.

<sup>20</sup> See *History*, I. 241, 242, 603, 604.

<sup>21</sup> *Ibid.*, 584, 585.—*Supra*, p. 654, *ad note* 5.

<sup>22</sup> Cf. *History*, I. 585, *ad note* 17.—Mgr. Moyes tells us of the student population living at the universities of Europe, and attending the grammar schools (high schools) of England in particular: "Its numbers [*at the universities*], relatively to the general population, was probably much larger than they are at the present time; just as it has been ascertained that the number of grammar schools in this country [*England*], before the Reformation, was larger in relation to the general population than it is at the present day" (*London Tablet*, December 28, 1912, p. 1002, "Scholarship by Preferment; An Educational Policy of the Middle Ages").

and from this the domestic went on to clinch the argument: "*ergo*, he was not covetous." And from Cecil's wealth and splendour the same antiquity proved: "therefore he could not be miserable [*miserly*]." <sup>23</sup>

Then was struck the new trail in national life, to wind ever since in never-ending acts about the poor and vagabonds; and also, at that time, about the decay of towns which had grown up under the wings of monasteries. However, the facilities, which <sup>The efforts sustained by James I.</sup> these reconstructive acts had extended against the operation of mortmain statutes, were not without effect; and they were made perpetual under James I.<sup>24</sup>

The act of James I., making the operation of mortmain statutes obsolete, was passed in the same year, 1624, which saw George Calvert still Secretary of State. In the same year, Cecil Calvert was eighteen years of age, already old enough to understand something of legislation. George Calvert followed the trend of public policy and legislation, in his charter for Maryland nine years later, 1633. But, when in the same year, his son and heir <sup>Cecil Lord Baltimore's reversion to the earlier policy.</sup> Cecil entered on the administration of his heritage under the charter, he preferred to carry with him not the public policy of the time and of his father, but the instincts of his patron Sir Robert Cecil's family,<sup>25</sup> which had held—

O'er the dead their carnival,  
Gorging and growling o'er carcase and limb.

Not attempting to introduce legislation by the way of legislation, though the "illiterate" freemen might have let anything pass, he introduced the Statutes of Mortmain, already as obsolete as the conditions of feudalism which had given them birth; and he did so on the sly by Conditions of Plantation. He slipped the Statutes in at a date when, the servitude of them having already been suspended in perpetuity, only twelve years were to elapse before the act of Charles II. (1660). By that statute the whole feudal system was cropped and clipped of its anomalies, and left a mere memory of its former self.<sup>26</sup>

§ 251. So matters remained, until the Orange usurper came into power. An Act of Parliament then revealed a new situation. It was

<sup>23</sup> Cf. *History*, I. 92, note 26.

<sup>24</sup> 21 Jac. I., c. 1.

<sup>25</sup> Cf. *History*, I. 155.

<sup>26</sup> Cf. *Ibid.*, 899.—The whole of this matter is exhausted in *House of Commons, Reports, Committees; Mortmain*, 1844 (536), x., 507; 1851 (483), xvi., 1; 1852 (493), xiii., 1. A digest of the evidence is given in Finlason, Appendix, pp. 169-245.

The acts referred to in this § 250 are: 23 Hen. VIII., c. 10; 27 Hen. VIII., c. 10; 31 Hen. VIII., c. 13; 32 Hen. VIII., cc. 1, 34; 34 Hen. VIII., c. 5; 37 Henry VIII., c. 4, the first chantry act, 1545; 1 Edw. VI., c. 14, the standard Chantry Act, 1547; 1 & 2 Phil. & Mar., c. 8; 39 Eliz., c. 6; 43 Eliz., c. 4; 21 Jac. I., c. 1; 12 Car. II., c. 24, doing away with feudal encumbrances, 1660.

Cf. 8 Stephen, *Comm.*, 70, 71, on Charities.

called an "Act for the encouragement of charitable gifts and dispositions."<sup>1</sup> The preamble is worthy of the name. But the enactment is William III. insidious; or else it is meant to counteract a visible tendency of the time towards charity. It grants the king the power of giving a "licence to aliene in mortmain," so that anti-charitable policy. all bodies politic or corporate may "purchase, acquire, take and hold in mortmain in perpetuity, or otherwise, any lands, tenements, rents or hereditaments whatsoever, of whomsoever the same shall be holden." The effect of this law was to emphasize and introduce the necessity of a licence, which had passed out of use from the time of Elizabeth.<sup>2</sup> Then the lawyers began to declare that the Charitable Trusts Act of Elizabeth had been carried too far on behalf of charity.<sup>3</sup> The anti-philanthropical, anti-charitable and anti-religious tide flowed now full and strong, in a manner worthy of the eighteenth century, till it culminated in the act of George II. Charity, as the Christian virtue which ennoble the giver and the receiver and never despises poverty, had gone with the heavenly religion which left so many monuments of mercy on earth. There was still philanthropy, which is not a contemptible thing, though it has made its own name, and that of charity, contemptible to the proletariat; and, if a counterfeit coin of charity, has still some metal in it. What followed now did not even pretend to the name. It was economics; just as religion has been swamped in social statics.

The act, 9 Geo. II., c. 36, is called a law of mortmain. But it expressly purports to be an act against charitable uses. The misnomer, "mortmain," marked the new use of the term, to designate merely charity, education, piety. In present times all legislation directed against such objects is called abusively "mortmain." The age of the spurious and nondescript mortmain began.

The Chancellor, Lord Hardwicke, author of this act, said among other precious things, when advocating the bill: "We ought to take care that some sort of ignominy and contempt should always attend a person's being provided for by any public charity. The pretences drawn from piety, charity and compassion for the poor, are so far from being real, that they are made use of only as a cloak for the vanity, the pride, and the ambition of private men."<sup>4</sup> This showed the only contribution that the speaker could have brought to charity. As some have identified religion with "rotten bones," so this man identified charity with vanity. Pope sketched the gentleman:

The grave Sir Gilbert holds it for a rule  
That every man in want is knave or fool.

<sup>1</sup> 7 & 8 Gul. III., c. 37; 1695-6.

<sup>2</sup> Cf. *House of Commons, Reports, loc. cit.*, 1844, p. 166 (684), evidence of Burge.—Finlason, p. 178.

<sup>3</sup> Cf. Finlason, p. 57.

<sup>4</sup> Finlason, p. 70.

The act of George II. affected all gifts of land for charitable uses, if meant to take effect after the death of the donor. It totally prohibited testamentary devises of land for such purposes; as also of any money charged upon land, or of any value to be laid out on land. It provided that gifts of this kind, made during life, should take effect at least twelve months before death, with the absolute extinction of the donor's interest. The two universities and three public schools were excepted in large part from the operation of the act. The execution of a *bonâ fide* contract, by bargain and sale, was also excepted.

Thus was excluded from the exercise of such beneficence the whole of that middle class, which having little more than enough to live on in life, and in many cases no immediate claims of heirs at death, should wish to assign property to some charitable use. The act professed to be founded on a purely political or economical reason, to obviate the disherison of heirs, or accumulation of land. But it made no provision for any case in which such a reason had no place. The relief of the poor, the support of schools, the erection of a church, all fell under the embargo. Whatever may be thought now of interest in the public funds as a resource for the exercise of charity, the damage of shutting off landed estate for the purpose was immense then, and is so still. Sir Francis Palgrave in his evidence before the House of Commons Committee (1844) observed, that a testator in the time of Elizabeth might have left £1000 worth of land to one school, and £1000 of money invested in the public funds for another school—if there had been any public funds—and then the landed beneficence would have increased perhaps fifty-fold, while the funded beneficence would have remained stationary. In the case of financial disaster, the funds could disappear.<sup>5</sup> The transitory and precarious takes the place of the permanent. Currency as a fund for charity is likely to be no less casual than current.

Palgrave considered that it was only anti-Romanism which was at the bottom of the anti-charitable legislation. He dated the sentiment prompting it, as the statutes are certainly to be dated, from the time of the Orange Revolution; and the prevalence of the sentiment in times more recent he ascribed to the shallow "habit of taking traditionary opinions on trust," from men like Blackstone, Robertson, Adam Smith and others.<sup>6</sup> See *History*, I. 125, 126. Finlason observes that the act of George II. against charity had the mark of the anti-Popery acts, which simply prohibited Papists from acquiring lands at all.<sup>7</sup> Law operated against charity henceforth, just as against Popery. A notorious case that came under the guillotine was that of an old sailor, Roger Troutbeck (1785), who having made a fortune in the East Indies, and having "no relation or kindred alive,"

<sup>5</sup> So did Sir John James's fund dwindle away. See *Documents*, I. No. 70, A.

<sup>6</sup> *House of Commons, Reports*, loc. cit., pp. 22 (540), 30 (548). Cf. Finlason, digest, pp. 174, 175.

<sup>7</sup> Finlason, p. 82.

left his property for the charity school at Wapping, where he had been brought up as an orphan. The property was by order of Chancery confiscated to the Crown; and the king, *pater patriæ*, officially the natural guardian of charity, did not make a present of the money to the orphanage, but spent it on the royal pavilion at Brighton—such a crazy notion of a crazy king that the folly had to be pulled down again. However, like the principle of anti-Popery which it was always right to affirm, so in this case and many others, the principle of anti-charity was loyally maintained.<sup>8</sup> Meanwhile the Papists, always suspected of being charitable and pious, pursued their inequitable way. They trusted the conscience of a bishop, a priest, or other responsible person, and betrayed nothing in writing. So “spiritual” trusts have prevailed among Catholics;<sup>9</sup> and, legally speaking, they are not trusts at all. It was by such means that Sir John James’s fund was saved for the Jesuit missionary uses in Pennsylvania.<sup>10</sup>

<sup>8</sup> Finlason, p. 85.

<sup>9</sup> Cf. History, I. 614.

<sup>10</sup> *Supra*, p. 497. The will of Sir John James had it: “*Item*. I give and bequeath to James Calthorpe the sum of £4000 of lawful money of Great Britain.” Haestrecht James, contesting the will, presented in his plea a most exhaustive interrogatory, in the sense that James Calthorpe had this money bequeathed to him for a charitable purpose. Calthorpe’s reply was: “14 Nov., 1744. James Calthorpe believes that Sir John James was, at the time of making his will, of sound and disposing mind and memory . . . and, further, that the legacy of £4000 devised to him [Calthorpe] was not given for any charitable end or design [*i.e. as cognisable by English law*], nor did Sir John James give, write or send any direction to this defendant, directing to what charity the said legacy was to be applied, nor hath this defendant at any time declared that the legacy was devised to him in trust for charity. . . . Wherefore, as the complainant doth not pretend to have any right to call in question the said legacy of £4000 given to this defendant, but upon a supposition that the same was given in trust for charity, whereas the defendant positively says that the same was not given in trust for any charity whatsoever [*as cognisable*] . . . therefore this defendant humbly insists that he ought not to be obliged to acquaint the complainant for what use the £4000 legacy was given to this defendant, the complainant not being in any ways concerned therein; and, it being only matter of curiosity in complainant, this defendant hopes he shall not be compelled to discover for what use, intent or purpose, the said legacy was devised to this defendant” (*Records*, ix. 200, 201, M. I. J. Griffin, “The Sir John James Fund”). The executor of the Fund is named by Bishop Challoner as “Mr. O.”

Burke’s *Extinct Baronetage* (edit. 1844, p. 280) gives the supplementary information:—Sir John, succeeding to Cane James, 1736, died unmarried, aged 47, September 28, 1741. “Sir John left his estates by will to charitable uses; but, the bequest being contrary to the statute of George II., Haestrecht James, the heir male and head of the family, after a long chancery suit obtained possession.” Collins, in his *British Baronetage* (edit. 1741, iv. p. 418), says: “Sir John left the chief of his fortune to Christ Church, Bethlem and St. George’s hospitals, and to other charitable uses.” Hence we infer that the three hospitals lost their legacies. Evidently, they had been mentioned by name; and were clearly charities.

For the English working of the act, 9 Geo. II., c. 36, of 2 Stephen, *Comm.*, 461–463, where he says of the name, “Mortmain Act,” that the statute “is thus commonly called”; also 3 Stephen, *Ibid.*, 70–72, where he makes a remark about the king being *pater patriæ*, who superintends charities, “not otherwise sufficiently protected,” and that he does this “by the keeper of his conscience, the chancellor,”—the same who gave George III. the orphanage money of the sailor Troutbeck, for a dancing and drinking pavilion.—For a history and analysis of the act, 9 Geo. II., c. 36, see Finlason, pp. 65–97.—The entire scope of the investigation in the House of Commons, 1844, 1851–2, *Reports*, *loc. cit.*, was to discuss this leading act concerning charities, with a view to its modification. But the effort failed in an atmosphere which had

"In 1843," says Kent, "an attempt was made in the English House of Commons to repeal the statutes of mortmain, and allow of the establishment of schools, hospitals, churches and religious and monastic institutions for the relief of the poor, the encouragement of charity and religion, at the pleasure and with the bounty of individuals; but the motion met with no encouragement, and was withdrawn. The statute of 9 Geo. II., c. 36, is now the leading English statute of mortmain." For the origin and progress of the movement in the English House of Commons, 1843, see Finlason, pp. 104-126. The committee appointed to consider the repeal of George II.'s act consisted of thirteen Protestants and one Catholic, the Earl of Arundel.

The New York chancellor proceeds with great satisfaction to show how, Pennsylvania notwithstanding, "we have not in this country reenacted the statutes of mortmain, or generally assumed them to be in force."<sup>11</sup> With regard to New York, he shows how "the great law of charity has been saved." And, in general, "until the statute of 9 Geo. II., charitable uses were protected by the common law. We inherited them from England, and our land is filled with benevolent institutions, endowed and upheld by that law; and it is clear that our statutes of *uses and trusts* never intended to cut off gifts and devises to charitable uses."<sup>12</sup>

long been cleared of Catholic charity. It was apprehended that the repeal would be dangerously favourable to the development of Popish instincts. Though many Catholic bequests have been lost in consequence, there has always been available the expedient of spiritual trusts. Protestant charity or philanthropy has lost immensely.

<sup>11</sup> 2 Kent, *Comm.*, 282, note and text.

<sup>12</sup> *Ibid.*, 288, note. What Kent adds here is not at all clear, if he be implying that a charitable use entrusted to private persons was less public than when committed to a "public" [State?] trustee: "It is clear that our statutes of *uses and trusts* never intended to cut off gifts and devises to charitable uses, but only *private* uses and trusts, which had perplexed real property by their intricacies and refinements, and *public* trusts and charitable uses were not within the purview of the Revised Statutes; the statute of uses of 27 Henry VIII., c. 10 [*transferring use into possession*] never had any application to public charities." This seems to insinuate that the monastic institutions, whether considered passively as founded by charity, or actively as distributing centres of charity, were not public charities, when Henry VIII., by the statute cited, meant to take them in and absorb them for other uses; as he did in fact absorb them, because he had only the religious and the poor against him. Kent proceeds: "The legal restrictions against *perpetuities* were never directed against gifts for charitable uses, or for any eleemosynary purposes []. It is the policy of the law to encourage their extent and duration" (*loc. cit.*). The first of these two sentences is not intelligible in the light of English legal history, as shown in the statutes quoted above (pp. 655, 656).

The Ohio and Pennsylvania decisions quoted above (p. 642) have it, that "whatever is gratuitously done or given in relief of the public burdens, or for the advancement of the public good—in every such case as the public is the beneficiary, the charity is a public charity." The tenor of all the real mortmain statutes was concordant with this. They always assumed that the religious use of property vested in monastic institutions was essentially a charity. See Coke and Littleton, Pollock & Maitland: *History*, I. 441, 583, 584. See the Statutes of Mortmain, *Ibid.*, 593, *seq.* "State" charities are only a substitution for the old religious ones.

Kent drops a remark which shows very well the policy since the Reformation, even where there was no remote semblance of mortmain. It was to hit at Popery, under the guy of "superstitious uses." He says: "The mortmain acts apply to corporations exclusively; and trusts made by feoffment, grant or devise, to



The State of Maryland swerved from the charitable policy of the other Federal States; and, adopting the principle of George II.'s act against charitable uses, enlarged the application. We quote Maryland legislation exceptional, against religious charity. General Johnson, speaking of the "canon law" which he imagined the Jesuits had claimed for Maryland: "A singular result of the claim, however, is found in the institutions of Maryland, which has existed from that time to this. By the Bill of Rights, every gift, sale or devise of land, or gift or sale of goods or chattels, to go in succession, or to take place after the death of the donor or seller, for any religious purpose, without leave of the legislature is void. This statute of mortmain is not in force in the other States."<sup>13</sup> The thesis of Johnson, meant to hit the Jesuits, has been repeated by several writers.<sup>14</sup>

unincorporated bodies for charitable uses and purposes, *not deemed superstitious*, have not been deemed to be invalid under the mortmain act of 28 Hen. VIII., c. 10 [*against unincorporated fraternities*], and that of 1 Edw. VI., c. 14, [*the chantry act*]" (2 Kent, 282, note). Thus Catholic piety, education and charity have been flanked on the one side by "mortmain," and on the other by "superstitious uses," both equally fictitious.

So the Catholic Relief Act of 1791 has it, that all dispositions of property, previously "deemed to be superstitious or unlawful," should remain so. This particular act of relief called Catholics by the nickname, "Papists, or persons professing the Popish religion." The seventeenth section runs thus: That "nothing in this act shall make it lawful to found, endow, or establish any religious order or society of persons, bound by monastic or religious vows; or to found, endow, or establish any school, academy or college by persons professing the Roman Catholic religion within these realms, or the dominions thereunto belonging; and that all uses, trusts and dispositions whether of real or personal property, which immediately before June 24, 1791, shall be deemed to be superstitious or unlawful, shall continue to be so deemed and taken, anything in this Act contained notwithstanding." While the act recited that relief was being given to Papists because it was "expedient," not because it was right, it naturally maintained the right of asserting the superstition of Popery. The expediences of the great war just then beginning could not blind eyes altogether to the anti-Popery decalogue. (Of. Amherst, i. 178-181.—Finlason, p. 97.)

The notion of "superstition" has performed many evolutions, in obedience to the enchanter's wand. Elizabeth was afraid that her religion might come to "be counted superstitious," as Sir F. Moore, author of her Charitable Trusts Act, explained; and therefore the act left out all provisions for her worship, which, when thrown overboard, would carry the provisions with it. (See *History*, i. 608, note 15.) Boyle on *Charities* expressed the same idea, about the action of a "legislature," which had branded one religion as false, substituted another for it, and transferred "the protection of the law" from one to the other. He went, however, a little deeper than the "legislature," when he said, that the "illegality" of bequests to superstitious uses "seems attributable, not so much to the statute in question [*the chantry act*], as to the entire scheme of the Reformation" (pp. 256, 273; Russell, *loc. cit.*). This variable quantity of "superstition," just as Elizabeth feared, now appears in a new equation. It is Christianity itself. In the midst of a world-wide war, we hear on all hands, that a philosophy, chiefly called science, has been corroding some nations, and has arrived in the literature and life of the "superman" at "a blasphemous derision of Christianity and the Christian conception of human life and duty, as a contemptible survival of superstition." The glorious vision of Heine the poet is unfolded for our admiration, that "the taming talisman, the Cross," will yet break in two, and then "Thor, with his giant's hammer, will at last spring up and shatter to bits the Gothic cathedrals." Judge Samuel Sewall of Massachusetts was favoured with just a peep at this splendid future, when he gloated over the Quebec Jesuit cross falling from its tower in a conflagration; and he perpetrated filthy Latin couplets of damnation. See *supra*, p. 58, note 1.

<sup>13</sup> Johnson, p. 94.

<sup>14</sup> *Supra*, pp. 645-647.

But in this statement the one correct element is that the anti-charitable policy came down from Lord Baltimore's time. The incidence of the State legislature's prohibition, on a beneficence intended to take effect after death, belongs to George II.'s act, and shows the genesis of the article in the Maryland Bill of Rights. The enlargement of the prohibition, whereby the State of Maryland prevents the execution after death of even a contract by bargain and sale made before death, does appear to originate in Baltimore's policy; because George II. excepted a *bonâ fide* contract of the kind from the operation of the act. Even so the Federal State's anti-charitable policy falls far short of the Baltimorean policy. That, as we have seen, prohibited every kind of conveyance during life or otherwise, by gift or sale or any way. Cecil Lord Baltimore builded better than he knew. He reached beyond George II., a century later than his time. He was more comprehensive than the State of Maryland, a century and half after him. He conceived the idea of Nondescript Mortmain, which from the period of the French Revolution has been propagated during the nineteenth and twentieth centuries. But we do not find that this title of his to immortality has been noticed in the literature consecrated to his memory.

Of Baltimorean and Georgian origin.

§ 252. The spurious use of the term "mortmain," which in its genuine sense expired with feudal provisions, may be illustrated by the manner in which the word "average" has come to be employed. "Average" originally meant marine damage, which had to be borne according to a fractional ratio by the parties interested; but now the word in common use, having no reference to damage, means only a fractional ratio between numbers. So "mortmain," in its proper use, had reference to a feudal damage—"Ad quod damnum," said the writ of inquest, preparatory to putting land in mortmain with spiritual corporations;<sup>1</sup>—the damage disappeared centuries ago; and now the word means only property in the hands of spiritual corporations, or of any holders, for a charitable, educational, or religious purpose. The word, become eccentric, is attended by a set of phrases equally eccentric, about "locking up land in perpetuity," about *extra commercium*, and *latifundi*; as if property purchased and, because charitable or religious, subjected to seven different sets of taxes,<sup>2</sup> were out of commerce any more than other land; or as if the income which maintains 500 orphans were somehow extravagantly great—a *latifundo*—and abstracted from common use.

Sir Francis Palgrave, the forerunner of a new school which begins to know something about legal history, testified before the committee of the House of Commons, that the feeling against charitable foundations as

<sup>1</sup> History, I. 605.

<sup>2</sup> Cf. Documents, I. No. 135, note 25; an instance of 63 per cent. paid in taxes.

things that smacked of Romanism was a modern sentiment, dating, as far as he could trace, from the Orange Revolution. Our feelings, he said, must be attributed to a complication of causes since that Revolution, and, not least, to the total misconception of what mortmain is. For you will always find the popular objection to be that of "locking up land in perpetuity"; as if land given to charitable purposes could not be put as much in the market as land entailed by a marriage settlement. By our modern mode of conveyance, trust property can be as much in the market as if it were held in fee simple. After severe strictures on the superfluity of legal means taken against charity; on the moral degradation of public feeling which is at the root of such mistaken legislation; and on the absurdity of law which will protect uncharitable and useless bequests, capricious and fantastic ones, malevolent dispositions that go to spite relations by leaving money to pay off the national debt, or to provide a home for convalescent dogs—Pallgrave put his finger on one especial cause of the hackneyed notions in vogue, that of thralldom to traditional opinions invented by Blackstone and his like. We quoted the passage before.<sup>3</sup> Moderns learn their lessons by rote at the knees of such elders; and shiftlessly, having neither initiative to recuperate from the old obsession, nor diligence to become independent and original, they simply repeat.

The Jesuit estates in Canada may be cited as a case in illustration. The Society held the property in real mortmain, according to the genuine meaning of the term, and for the genuine uses of the thing. See *History*, I. 582, 583. It possessed nearly a million acres. We have heard an American writer indulge in the usual vein: "Before the close of the French period, it [*the Society*] had become by far the largest landholder in the country." He goes on querulously to cite a governor unnamed (Frontenac) "whose opinion of the Jesuits was not of the highest," and who, being thus canonized by the American, is at once qualified to be quoted on the Jesuits. The governor then "ventured to prophecy that, in the course of time, the Jesuits would monopolize all the best lands of the colony, a prediction which was on the high road to fulfilment by the middle of the eighteenth century; for the Jesuits then held about one-eighth of all the granted lands. Nor were their lands greater in extent than in value; for, comprised within the Jesuit estates, were hundreds of thousands of arpents of the very choicest lands of the St. Lawrence valley, the most fertile and most favourably located for purposes of settlement."<sup>4</sup>

This passage is in the best modern style of anti-mortmain literature. The "Romanist" provocation for the irritation manifested is obvious; it was the open-handed beneficence of so many pious founders who gave so much property for the evangelizing and civilizing of savages. See

<sup>3</sup> *History*, I. 125.

<sup>4</sup> Munro, pp. 179, 180. See *supra*, p. 343, note 2.

Chapter XI., §§ 140-145, *supra*. The Jesuits, having selected and bought nothing, and having "squatted" nowhere at the public expense, nevertheless somehow "monopolized." Having accepted for the religious purposes of their institute what was freely given, they became larger landholders than others who were not recipients of such extensive donations. The donors having taken up not the worst spots in an unoccupied country, the rapacious Order became possessed of most fertile tracts. It did not transpire in the passage quoted that the Jesuits had 8,000 tenants, who paid one halfpenny an acre per annum; so the property must have been "locked up," *extra commercium*. Nor was there a hint that the proceeds were spent upon a continent; hence the Jesuit estates must have been a pure *latifundo*, a landed monopoly of rich patricians revelling at the expense of poor plebeians. Of course the Jesuits took for themselves only what to eat, and wherewith to be clothed. But the gigantic evil was there—it was "mortmain."

A modern illustration of anti-mortmain indignation.

On the other hand, the same king, who emptied into his dancing pavilion at Brighton the East Indian sailor's charity bequeathed to an orphanage at Wapping, was supported during a generation in his large-minded attempt to vest the same Jesuit estates in the single family of Lord Amherst. This would not have been "mortmain." For, to follow Hallam's explanation, there would be "intercommunity" within the precincts of that family, a "natural privity of interest," since Lord Amherst, possessor of the whole, would hand the property down to an expectant heir, who should possess the whole, and expend the revenues, as Hallam puts it, "in liberal hospitality, in discerning charity, in the promotion of industry and cultivation, in the active duties or even generous amusements of life," theatre-going, drinking, dancing, yachting.<sup>5</sup> This certainly would not be Popish mortmain.

George III.'s illustrations of anti-mortmain operations.

So we have arrived at the modern use of the term "mortmain." It is a word employed to run down charity, which means also education and religion; and the use of the cryptic word is a sufficient plea for entering into possession, wherever organized religious effort has succeeded in making provision for the administration by men of God's providence in the world. The absence in a religious community of what Hallam calls "intercommunity" means the absence of individual ownership and of expectant heirs to use and use up property for self. And this negation of individual property, by what is called voluntary poverty, is again a title for others to enter in, and in the name of commercialism to enjoy the escheat for self and kin. If a bond of discipline has been freely assumed to steady the organization by religious obedience in the pursuit of charitable objects, that is clearly a violation of individual freedom, on the part of the men

Modern contents of the "mortmain" idea.

<sup>5</sup> See *History*, I. 480, note 10.

or women who have freely assumed the bond ; and such people must at all costs be redeemed, and restored to their liberty. If chastity of life is added, then of course, as Hugh Finlay wrote in much disgust at the spectacle of the pure Canadian nuns, they ought to be "raising" families.

All these points came out into prominence during a recent campaign against what was called "mortmain," the Jesuits being a principal objec-

A twentieth-century campaign in illustration.

tive. In 1900 and subsequent years, republican France resounded with the denunciation of such mortmain, the Prime Ministers being MM. Waldeck-Rousseau and Combes.

Members of religious associations having, as M. Clemenceau put it, "established an existence void of human duties," had aggravated their case by the vow of obedience ; and, as M. Buisson reported from the committee, the vote of the Chamber would be all for liberty, by restoring religious individuals to their individual liberty. M. Barthou affirmed roundly that membership in a religious congregation "was incompatible with the right to teach, on account of the vows of chastity, poverty and obedience." M. Combes, in a report on the Law of Associations passed against these mortmain people, explained that "liberty of instruction must be subject to extension of restriction, according to circumstances and the vital interests of society. The State is entitled to surround it with certain guarantees, and even to establish certain incompatibilities." M. Pelletan, Minister of Marine, chimed in, that there was liberty of press and speech for adults, because they were adults, but there could be no liberty in the matter of children's education, because of the State's incontestable rights : "Children do not belong to their parents, either in body, or soul, or conscience" ; they belong to the State. With much frankness orators affirmed that, in teaching and in every line of activity, lay people, having families, ought to have the places and good things of the religious ; as M. Clemenceau said : Religious, "when they have established an existence void of human duties, take advantage of it to enter into a destructive competition with the working men who have to keep families, and feed and educate children. They are the members of the Roman association." This anti-mortmain argument any one can understand, unless he understands mortmain. One of the party, M. Lhopiteau, being somewhat critical, began his discourse with a statement of the common ground on which all of them stood : "The Chamber understands that the scattering of the persons [*in a religious congregation*], if not followed by the dispersion of their goods, would produce no effect. As a measure of police therefore, the committee was bound to propose for our enactment, that the goods of the congregations dissolved should be dispersed." His amendment proposed that the devolution of the property should then proceed according to the rules of French common law ; reaching, in the last stage of public auction, a funded deposit, still subject to the claims of those who had rights to advance. M. Waldeck-Rousseau, Prime Minister, began his reply by emphasizing Lhopiteau's admission

that "the dissolution [*of the communities*] would be an empty word, if we did not add a measure of execution, which he himself has called the dispersion of the property."<sup>6</sup> "*Frappez la caisse*," "Get at the cash box," was the formula of M. Zevaès. But the Prime Minister's was that of "denouncing from the tribune the peril of a mortmain ever increasing, and threatening the principle of the free circulation of goods [*extra commercium*]."<sup>7</sup>

On these premises against the "mortmain" people, the *Loi sur les Associations*, a law concerning corporations, was passed and went into full operation. Like Edward VI.'s chantry act, which saved companies for trade, the Association law saved all commercial associations; and took the goods of religious associations for the benefit of liquidators and friends. High-handed means were necessary; for a multiplicity of taxes, general and special, had failed to bleed the mortmain people to death. In less than two years after that (1903), 15,964 members of teaching congregations were dispersed, and their "mortmain" property taken over by the State; 3040 members of preaching congregations were similarly sent adrift. All the property of the teachers who were educating 1,600,000 boys, 90,000 being in the secondary courses of higher education, was "incarcerated"; and the owners, by retroactive legislation, were disqualified for their profession, and sent penniless into exile. Thenceforth, an act of Parliament was necessary for each and every case of authorization, when a "mortmain" house wanted to teach, to preach, to help the sick or mind the orphans.

The French  
Law of  
Associations,  
1901.

At least, said M. Georges Berry, deputy for Paris, moving an amendment, let the government reserve the right to issue an authorization by

<sup>6</sup> "Et ceci est plus précieux encore—que la dissolution serait un vain mot, si on ne venait y ajouter une mesure d'exécution, qu'il a lui-même appelée la dispersion des biens" (March 28, 1901).

<sup>7</sup> "Ce n'est pas le lieu ni le moment de faire la statistique, mais pour montrer qu'en signalant à la tribune le peril d'une mainmorte grandissante et qui menace les principes de la libre circulation des biens, nous n'avons pas obéi à de vaines alarmes." He proceeded to state what statistics subsequently belied, and what the liquidation of the stolen property nullified in the realization of assets, that the real estate "rented or possessed" by religious congregations surpassed a milliard of francs in value: "Il suffira, je pense," he continued, "de dire que la valeur des immeubles occupés ou possédés par les congrégations était, en 1880, de 700 millions déjà, et aujourd'hui elle dépasse un milliard. Quelle peut être, si on part de ce chiffre, la mainmorte mobilière?" Thus, not only other people's houses rented, "occupés," had floundered into the mortmain of realty, but the chattels, the kettles and the pots for cooking a dinner had jumped up into mortmain, "la mainmorte mobilière." This formal declaration of war was made at a grand banquet (Toulouse, October 28, 1900); and the Minister's conjuring up of facts and figures was worthy of the table.

But he came immediately to more solid ground when he stated the chief grievance. All the youth of the higher social classes went to the religious for their education, and left the State alone: "Ce n'est pas cependant le développement de la mainmorte qui atteste et déce le véritable peril. Sous la même action et la même influence, dans ce pays où l'unité morale a fait à travers des siècles la force et la grandeur, deux jeunesses, moins séparées encore par leur condition sociale que par l'éducation qu'elles reçoivent, grandissent sans se connaître jusqu'au jour où elles se rencontreront si dissemblables qu'elles risquent de ne plus se comprendre."

a mere decree, on behalf of those congregations, "whose patrimony is entirely consecrated to the sick, the aged, the infirm, the poor, the orphans"; it should not be necessary to enact a "law," to pass an act of Parliament, for each and every such permit. There were 300,000 of the infirm, aged, or orphans, for whom the administration of the State could not provide. M. Waldeck-Rousseau, president of the council, answered that such a measure, in favour of the poor, the sick, the orphans, would be "the introduction into our jurisprudence of a principle, which is the negation of all that has been allowed and practised thus far."<sup>8</sup> The amendment of M. Berry was rejected by 285 votes against 239 (March 19, 1901).

Hence it is clear what is meant by "mortmain" to-day. Commercialism is saved; and the world is saved from religion. As M. Viviani expressed it with exultation, the lights of heaven are put out.

Thus the kind invitation, or gentle provocation of writers, who have challenged us since we published the former volume, has led us to redeem our promise, given on the last page of *History*, I.; where we pleaded the limits of our space for not "pursuing at present the subject of mortmain into its two next English and American stages of Superstitious Uses and Charitable Uses, as well as into its fourth and last European stage of the twentieth century, which is that of Mortmain Nondescript." We reserved the matter then for the contingency, when it might be "called for in the sequence of our historical text."<sup>9</sup> It has been called for by Cecil Lord Baltimore's mortmain policy, and the apologies which have come forth on behalf of him.

<sup>8</sup> C'était "introduire dans notre droit public un principe, qui est la négation de tout ce qui a été admis et pratiqué jusqu'ici."—The complete psychology, political economy, morality, and other qualities of the anti-"mortmain" mind, may be seen at length in the French debates on the *Loi sur les Associations*; in the Chamber of Deputies, January 15–March 29, 1901; in the Senate, June 18–22, same year; in the Lower Chamber again, June 28. See *Les Questions Actuelles*, lvii.–lix. *Ibid.*, in subsequent volumes appears the sequel of the persecution.

<sup>9</sup> *History*, I. p. 616.

## APPENDIX E

Text, § 88, p. 49.

### CECIL, LORD BALTIMORE.

§ 253. The second Lord Baltimore as a Catholic, and as a politician.

§ 253. CECIL LORD BALTIMORE had gone through difficult times. Under his liege sovereign, Charles I., he had been legally a delinquent, as a non-conforming Catholic. Under the Parliament he was a delinquent in effect. He paid regular instalments of standing as a redemption on his forfeited estates of Semley, Tisbury, and politician. five other closes, for which he acknowledged himself to be only a tenant of the State. This was in the years 1645-1648.<sup>1</sup> A more deadly assault on him seems to have been warded off, when the Commissioners of Foreign Plantations in 1646 informed Parliament of the oppressions exercised by the tyrannical government of recusants in Maryland on the consciences of the good Protestants there; and the Lords and the Commons therefore ordained and declared that Lord Baltimore had wickedly broken the trust reposed in him; and they repealed and made void the letters patent. But, on Baltimore's demand for a hearing, the storm seems to have blown over.<sup>2</sup> Then, because of his collusion with the Parliament, Baltimore's liege sovereign, Charles II., despatched Sir William Davenant to supplant the Maryland proprietary. The Parliamentary commissioners effectually did supplant him in 1654. They made the fact of self-transportation to Maryland a sufficient title for claiming Baltimore's land, and the possession of a Parliamentarian's conscience a sufficient dispensation or exemption from oaths imposed by Baltimore's Conditions of Plantation; and the assembly liberated themselves and all others from the enforced "collusion and deceit" of applying for any land to him, the owner of the land.<sup>3</sup> However, out of all this seething commotion his lordship emerged with his head above water. He condescended to take a patent from the Commonwealth;<sup>4</sup>

<sup>1</sup> Brit. Mus. MSS., Add. 22,085, ff. 15<sup>b</sup>; 75.

<sup>2</sup> Hist. MSS. Commission, *Appendix to Sixth Report*, p. 142; November 24, 1646.

<sup>3</sup> Arch. Md. Assembly, p. 348, § 28; October, 1654. Cf. *Ibid.*, pp. 354, 355, § 44.

<sup>4</sup> *Supra*, pp. 56, 638, 639.



and, when his liege sovereign Charles II., was restored, Lord Baltimore was found to be in quiet possession of the province, as if he still had the benefit of the patent originally received from the Crown. We have seen above what his situation actually was.<sup>5</sup> No one can take exception to his ability as a politician.

His conduct as a Catholic has become a ground of debate; and we take no complacency in the untoward accident that contemporary documents, which we have used, should first have opened our eyes, and then have opened the question with others. Some of the most vigorous apologists, who would at this point bring our history back to order, are not themselves Catholics; and, on a path so unfamiliar to them as that of vindicating Catholicity against us, the compliment which they pay to the Church may be freely acknowledged, while the maladroit performance can be readily excused. They have had a notion that, if Baltimore belonged to the Catholic Church, and especially if he remained in it when temporal inducements pointed another way, everything that he did must have been worthy of his faith, and nothing unworthy of the morality prescribed by that faith.<sup>6</sup> That would be a standard to apply wherever faith will do without works. There any faith, or adhesion, or subscription by sign manual, may suffice for a good standing. So Macaulay tells us of a certain Scotch Councillor, General Drummond; who, he says, was "a loose and profane man"; still "he lived and died, in the significant phrase of one of his countrymen, a bad Christian, but a good Protestant."<sup>7</sup> Friends of another creed, who may demur to the implication here, will refrain from conveying it with regard to Catholicity; which is always higher in its exactions than the most exact of the faithful can hope to reach.

The salient facts recorded in our pages upon this subject of Cecil Lord Baltimore's practical Catholicity are such as scoffing at the Pope, whittling away ordinances and Papal Bulls, treating the priesthood with language partly excusable because characteristic, expropriating the goods of priests, invading their personal liberty, regarding them as possibly traitors and criminals, providing for them in his futile drafts all kinds of penalties even capital punishment, and never alluding to any good which they might have done to him, to the colony or to the world. What governed him in his conduct we may explain by the fact that a spurious form of Gallican Catholicism was then rife; and even Jansenism was courted. On a page above we referred to a case in which English doctors of the Sorbonne and allied spirits, all Gallicans, justified themselves by appealing to Jansenism, and had recourse to Parliament for the express purpose of sweeping out of England wholesale the Catholics and priests not agreeable to themselves.<sup>8</sup>

<sup>5</sup> *Supra*, pp. 638-640.

<sup>6</sup> *Of supra*, pp. 629, 630, 643.

<sup>7</sup> Macaulay, *History of England*, ii. 374.

<sup>8</sup> *Supra*, pp. 613, 614.

Cecil Lord Baltimore left the province in such a condition that it was not clear how, in the future, any property could be given or bequeathed for any religious or charitable purpose. His reservation of granting a special licence was perfectly nugatory, as his letters to L. Calvert showed; and it was likely to be as much, though not more so, when his descendants were to become Protestants. Nor is it clear that it was the Catholic Church alone which suffered. His system of reversions and forfeitures and escheats was snatched at by the associators at the time of the Orange Revolution, and declared by them to have deprived the Protestant Church of "lands piously intended and given for the maintenance of the Protestant ministrye."<sup>9</sup> They laid this to the charge, not of Cecil, but of the Popish government; and they made it one of the counts for taking away the government from Charles, who succeeded to Cecil. At a subsequent date, under the royal government, an act was framed to secure lands devised for the use of the Protestant Church.<sup>10</sup> But nothing of the kind was ever proposed in favour of the Catholic Church.

Baltimore and the temporal destinies of the Church.

When Baltimore's code and policy operated so that, instead of protecting by law, it attacked Church property, we are not to infer that he meant to strike at the priesthood as such. A shred of Catholic faith was incompatible with that, just as aggressive anti-Catholicism makes straight for that.<sup>11</sup> Baltimore wanted priests in the colony. It is true that colonial economics did also want them. But we need not refuse some part of the credit to the Catholicity of his own sentiments.

The fact remains that, in ten years from 1639 to 1649, he developed in a compendious and exaggerated form, amid the new circumstances of an American colony, a series of complicated results which a century of anti-Catholic persecution had slowly brought about in the older country; and by anticipation he went beyond the most advanced product of anti-religious and anti-charitable legislation, which the indifferentism of the next century was to engender in the mortmain law of George II. To explain this, it is possible that the best point of view to take of the situation is what an apologist, and all his apologists, put forward in his defence. Finding himself, they say, exposed to the fire of his enemies for being a Papist, and for even entertaining Jesuits in his province, he prudently determined that, if some one had to go under, it should not be himself. This apology recalls the motto of the great predatory family on the Scotch border: "You shall want, ere I want."

<sup>9</sup> Scharf, *History of Maryland*, i. 311.

<sup>10</sup> W. S. Perry, *Historical Collections: Maryland*, pp. 177, 178. For want of a date, Perry has inserted this act after 1723. In 1695, May 13, a vote was recorded in the Maryland house of burgesses: "Voted in the House an additional law be made to the Act of Religion, and a clause therein incerted to enable the severall and respective Vestrys to sue for and recover donations and gifts to pious uses, at present perverted" (P.R.O., No. 556, f. 273 (p. 7)).

<sup>11</sup> Cf. *History*, i. 129, 130.

One stroke of fortune has been specially felicitous in the success which crowned his abilities. Because of his faith he has engaged the sympathies of Catholics. Because of his works he has carried with him the good will of the rest. Whatever was good and estimable in the early foundation of Maryland has been ascribed to him by Catholics for the first reason ; and by others for the alternative one. Most of all, that matter of little objective importance, the Act of Religion or Toleration passed in 1649, has been heralded as a title of his to immortality, not only in the memory of the western colony, but in the general annals of civilization. In its origin, nature and circumstances, it was but the expiring gasp of a toleration practised from the first by the Catholic gentry of Maryland. As to Baltimore, no one knows whether he had anything to do with it ; for writers are equally positive in affirming contradictories. Nevertheless, a desperate remedy, which in its origin has been ascribed to various designers, from the Jesuit Father More on one side of the ocean to the undefined Protestant commonalty on the other, has been taken to be Cecil Calvert's title to nobility. Reasoning backwards from the more certain to the less certain, from the known to the unknown, one writer has it that if Maryland has nobility and her title thereto is her Act of Toleration, then was Cecil Calvert noble. Catholics have fallen into the ranks, and have dissociated the credit of any such title to nobility from that Catholic association of gentlemen, who practised toleration, before people were reduced to the extremity of talking about it and legislating for its recovery.

Implicitly, both parties have been eyeing the Catholic Church. Catholics, looking at Baltimore's faith, have seemed to ascribe the credit of the act to the Church. Others, under the impression received from his works, have been candid in stating what they saw there, that an act of his need not be referred to his Catholicism. These persons may be correct. In any case, whosoever the Act of Toleration was, it tended like any other police regulation to enforce public decorum in matters of religion ; to maintain the peace in the midst of a spreading intolerance which its very enactment registered ; and to subject misconduct, in the matter of religion, to a series of pains, penalties, and actions for damages. Disowning as it did all intention of "inforceing" the conscience, it assumed no psychological potency of breathing again into bosoms grown cold that genial spirit of toleration, which had departed with the Catholic ascendancy. In the very next year after it was enacted, the thirteen sages of the lower house, as we have seen, interpreted this act of their own assembly, by undertaking to expel two Catholic gentlemen for having a conscience at all. Hence, if the Act of Religion ever aspired to evoke a spirit of toleration, it was buried in its own futility ; and it merited to share the decent shroud which has enveloped its originators.

We do not part with Cecil Lord Baltimore without taking pleasure in the personal reminiscence of Father General Mutius Vitelleschi, who writing in 1643 said, that he was happy to recall the memory of Cecil's piety on some earlier occasion—"aliquando," once upon a time—when that young man, apparently not yet the Baron of Baltimore, had been paying a visit to Rome.<sup>12</sup>

<sup>12</sup> Documents, I. No. 6, H.



## APPENDIX F

Supplementary to Documents, I., chiefly Nos. 5-8, Generals' Letters, and Annual Letters.

### JESUITS IN AMERICA TILL THE PERIOD OF THE SUPPRESSION.

§ 254. ANGLO-AMERICA. I. Jesuits who worked in the Anglo-American Mission or in the West Indies, 1634-1773. § 255. II. Ex-Jesuits who came to America after the Suppression (1773). § 256. III. Jesuits who were still at their studies when the Suppression occurred, and afterwards became missionaries in America, having finished at the ex-Jesuit Academy of Liège. § 257. IV. Missionaries prepared later for the Anglo-American establishment by the Academy of Liège, and at its expense. § 258. V. One, an ex-Jesuit before the Suppression. § 259. VI. Supplementary. Jesuits of American nationality who did not work in America. § 260. CANADA AND LOUISIANA.

**Manuscript Sources :** 1°. 2°. Catalogues S.J., "*primus*," "*secundus*," triennial.—3°. Catalogue "*tertius*," "*brevis*," or annual (which, having been drawn up at varying times of the year, leave it frequently uncertain which year they record, the current or past).—*Catal. rerum*, Triennial appendix on temporalities. (Cf. *History*, I. p. 12).—E. P. A. (English Province Archives), the Provincial's *Note and Address Book*.—L. 1, Old record book in Md.-N. Y. Province Archives. (See *History*, I. p. 26.) Md.-N. Y. Catal. (Md.-N. Y. Province Archives), "*Catalogus veterum Patrum qui hic habitavere*," among many lists in "*Liber continens Nomen*," etc., a folio blank book in Md.-N. Y. Archives, drawn up apparently after 1852.—Md.-N. Y. obituary, "*Nomen, Aetas, &c., defunctorum in hac Missione*," one of the lists in the same "*Liber continens*," etc.—4to copy, Thin 4to volumes in the same archives, one of which copies the list of ancient Fathers.—G. T. C. (Georgetown College Archives), a sister volume of the "*Liber continens*," etc., but containing only the list of the ancient Fathers, and the obituary.—Fenwick, A collection of notes by Fr. George Fenwick, in Md.-N. Y. Archives, carton A. 16. (All the foregoing from Md.-N.Y. & G. T. C., being culled from local sources, is deficient in accuracy, especially with regard to dates.)

**Published Sources :** Hughes, *Documents*, I., especially Nos. 5-7, Letters of the Generals; No. 8, Annual Letters, and triennial summaries on temporalities, and the personnel of the mission.—Foley, *Collectanea*, from which the triple dates of birth, entrance into S.J., and death, are chiefly taken in the following lists, and in which further particulars are to be sought.—Hogan, "Chronological Catalogue of the Irish Province S.J." (pp. 96), in Foley, *Collectanea*, Part ii. *ad fin.*

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"Mr." means a Jesuit scholastic, not yet a priest. "Br.," a lay brother. The rest are all priests, without further designation.

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§ 254. ANGLO-AMERICA. I. Jesuits who worked in the Anglo-American Mission or in the West Indies, 1634–1773.

1. 1633. **White, Father Andrew.** (Birth) 1579–(entrance into S.J.) 1607–(death) 1656. Entered S.J. already a priest. Professed of 4 vows.<sup>1</sup> 1633, sent to Md.; superior till 1638; 1639, at Kittamaquund; in the mission till (1<sup>o</sup>, “1644 *et* 1645”:) 1645. Had been professor of theology, Scripture, Hebrew. (1<sup>o</sup>, 1639:)<sup>2</sup> Of distinguished

<sup>1</sup> For the relevancy of this term, “4 vows,” in the profession of the Order, see *supra*, p. 86, note 10.

<sup>2</sup> We borrow from the triennial reports some estimates of the qualities which distinguished persons.

natural abilities; his experience "in spiritualibus melior, minor in temporalibus"; his learning "insignis in omni genere docendi"; his talent "ad docendum et ad speculationem magis quam ad praxim."

2. **Gravener, alias Altham, Fr. John.** 1589-1623-1640. Spiritual coadjutor. 1633, sent to Md., being substituted for Fr. Timothy Hays; 1639, in Kent Island.

3. **Gervase, Brother Thomas,** 1590-1624-1637. Temporal coadjutor. 1633, sent to Md. Died there (1<sup>o</sup>, 1638:) August, 1637; (Fenwick:) September 24, of the yellow fever.

4. **1634. Baker, Fr. Alexander.** 1582-1610-? Professed of 4 vows. 1634, sent to America (Virginia?); returned, 1635.

5. **Drury, Fr. John.** 1600 (1605)-1626 (1628)-1663. Spiritual coadjutor. Same record as Baker's with respect to America.

6. **1636. Rogers, Fr. Francis.** 1599-1623-1660. Professed of 4 vows. 1635, in Md.; returned, 1636.

7. **Wood, Br. John.** 1588-1615-? Same record as Fr. Rogers' with respect to America.

8. **1637. Fisher, Fr. Philip, alias Copley, Thomas.** Born in Madrid. 1595/6-1616/7-1652. Professed of 4 vows. 1636, registered for Md.; 1637, in Md. (J. Kilty, p. 68:) arriving with Knowles, August 8; there till 1645; again, 1648, till his death. (1<sup>o</sup>, 1639:) His learning "in humanioribus infra, in theologicis supra mediocritatem."

In the technical language of these triennial records, "mediocris," "mediocritas," "vulgaris," "communis," have their proper classical meaning of what is "ordinary," "the usual level."

9. **Knowles, Fr. John.** 1607-1624-1637. 1637, in Md. with Copley. Died September 24, after six weeks' sojourn.

10. **1638. Brooke, Fr. John, alias Poulton, Ferdinand.** 1600/1 (1603)-1621-1641. Professed of 4 vows. 1638, in Md.; superior till his death; 1639, with a lay brother at Mattapany. (L. 1:) "Shot by chance, crossing St. Mary's." (2<sup>o</sup>, 1639:) "Ingenium tardum, sed bonum et practicum . . . Profectus in litteris valde bonus."

11. **Morley, Br. Walter.** 1591-1616-1641. 1638, in Md., till his death.

12. **1641. Rigbie, Fr. Roger.** 1608-1629-1646. Professed of 4 vows. (3<sup>o</sup>, "1641 et 164[2]":) 1641/2, in Md.; 1642, at Patuxent; (1<sup>o</sup> and 2<sup>o</sup>, 1645:) with Hartwell, superior, White, Fisher (Copley), and Cooper, in Md.; (3<sup>o</sup>, 1645:) with White and Fisher in London; (3<sup>o</sup>, 1646 et [1647]":) in Md.; (Fenwick:) 1646, "obiit in Virginia."

13. **1643. Hartwell, Fr. Bernard.** 1607-1626-1646. Spiritual coadjutor. 1643, in Md.; (3<sup>o</sup>, "1644 et [45]") superior, till his death (in Va.?). (2<sup>o</sup>, 1639:) "Ingenium bonum, judicium bonum, prudentia magna, experientia rerum nulla."

14. **Cooper, Fr. John.** 1610-1630-1646. Spiritual coadjutor. 1643, in Md.; (Foley:) 1645, carried off to Va., where he died.



15. 1648. **Sankey, alias Starkey, Fr. Lawrence.** 1606–1636–1657. Entered S.J. already a priest. Spiritual coadjutor. 1648, in Va.; (ann. letter, “1655 & 1656”:) refugee from Md. in Va. (Fenwick:) 1657, “obit in Virginia, 13 Feb., aet. 51.”

16. 1652. **Bathe, Fr. Christopher,** of Ireland. 1621–1643–? (3<sup>o</sup>., 1652, “*Alio missi*”:) Sent to the West Indian island of St. Christopher (St. Kitts). (Hogan:) “*Ingenium valde bonum.*”

17. 1653. **Darby, alias Fitzherbert, Fr. Francis.** 1613–1634–1687. Professed of 3 vows; (3<sup>o</sup>., 1656:) “*P. Franciscus Darbaeus emisit Professionem 3 votorum in Virginia, 15 Sept., 1655.*” (3<sup>o</sup>., 1653:) In the Md. mission; (3<sup>o</sup>., 1654, “*Missi alio*”:) sent to Md.; (1<sup>o</sup>., 1655:) “in *Miss. Maril. an. 2*”; (ann. letter, “1655 & 1656”:) refugee in Va.; 1657, alone; 1658, superior till 1661 (catal. 1662 wanting); then was recalled to England. He had been professor of moral theology. (2<sup>o</sup>., 1658:) His qualities were of a high order, and his experience great.

18. 1656. **Bradford, Br. Thomas.** 1612–1638–1668. (3<sup>o</sup>., 1656, “*Missi alio*”:) “*Thomas Bradfordus in Marilandiam, 18 Aug., 1656.*” (3<sup>o</sup>., 1657:) “*In Africa, 1. Thomas Bradfordus captivus,*” in a bagno of Tunis. He was redeemed; and, after a long stay in Italy, was sent back to the English Province. See Documents, I. No. 6, L<sup>2</sup>–O<sup>2</sup>. His experience was “*magna pro gradu.*”

19. 1658. **Payton, Fr. Thomas.** 1607–1630–1660. Professed of 4 vows. January, 1658, sent to Md. Died “in itinere Marilandico,” January 12, 1660. A formed man in every respect.

20. 1659. **Crouch, Br. Ralph.** 1620–1658/9–1679. 1659, a novice (admitted) in Md.; 1661, called to England. Had studied the lower humanities, and was a man of much experience.

21. 1661. **Pelham, alias Warren, Henry.** 1635–1652–1702. Professed of 4 vows. 1661, March 12, ordained subdeacon; April 2, deacon; April 16, priest; 1661, in Md. (Documents, I. No. 25, p. 204:) superior, till 1675; (*Ibid.*, No. 6, D<sup>3</sup>:) 1676, recalled to England. (2<sup>o</sup>., 1655; 1665:) Among high qualities, “*profectus in litteris optimus, supra mediocritatem.*”

22. 1662. **Tidder, Fr. Edward.** 1630–1652–1699. Professed of 4 vows. (1<sup>o</sup>., 1665:) “*In Miss. Maril., an. 3*”; 1662, in Md., till 1667.

23. **Turberville, Br. Gregory.** 1617–1639–1684. (1<sup>o</sup>., 1665:) “*In Miss. Maril., an. 3*”; 1662, in Md., till his death. Had studied the lower humanities.

24. **Villiers, alias Fitzwilliam, Fr. John.** 1635–1654–1665. (3<sup>o</sup>., December 18, 1663:) February 7, 1663, ordained subdeacon; March 3, deacon; March 24, priest; (*Ibid.*, “*Missi alio*”:) “*P. Joannes Villerius in Marilandiam.*” Died in Md.

25. 1667. **Manners, alias Pelcome, Fr. Peter.** 1632 (1633)–1656/7–1669. (Catal. 1666 wanting;) 1667, in Md., till his death.

(L. 1:) "Mr. Pelcome was drown'd at My Lord's Runn. A great controvertist and preacher." He was a convert.

(L. 1:) "Mr. Clavering died at Mr. Luke Mathew's. Mr. Waldgrave died at Portobacco." These two names seem to be aliases. See *supra*, p. 76, note 13.

26. **Hamy, Br. Bernard**, of Artois. 1618-1648-1676. 1667, in Md., till 1672; 1673, recalled; (3°, 1674, "Missi alio"): "Bernardus Hamy in Boeticam"; (3°, 1676, "Mortui"): "Bernardus Hamy in Marilandia, 3 Aprilis." Had studied the lower humanities.

27. **1668. Pole, Fr. George**. 1628-1656-1669. Entered S.J. already a priest. Professed of 4 vows. 1668, in Md., till his death. (L. 1:) He "dy'd at Col. Evans or Mr. Carbery's."

28. **1669. Forster, Fr. Michael**. 1642-1660-1684. Professed of 4 vows. (1°, 1772:) "In Miss. Maril., 3 an.," but not registered for 1669 as in Md.; 1670, registered; superior, 1676, till his death. All his qualities of a high order.

29. **1670. Pelham, Fr. William**. 1623/4-1643-1671. Professed of 4 vows. 1670, registered as in Md., and put before Forster. Died there the next year.

30. **Shireburne, Br. Thomas**. 1627-1652-1670/1. 1670, in Md., till his death; (3°, 1670:) "Alter Coadj. Temp.," not mentioning Shireburne's name. But see **Documents**, I. No. 8, Z.

These three, Nos. 28-30, seem all to have arrived in the autumn of 1669. See **Documents**, I., No. 8, W.

31. **1675. Pennington, Fr. Francis**. 1644-1664-1699. Professed of 4 vows. (**Documents**, I. No. 8, D<sup>2</sup>:) October, 1675, sent to Md. with Gulick, and two lay brothers—of whom only Knatchbull appears in the catal., 1676. In Md., till 1693 (catal. 1694, 1695 wanting); superior, 1684-1693; returned to England; (catal. mortuorum trienn., 1700:) died, 1699, "in itinere ad Maryland, Feb. 12"; (Md.-N. Y. catal. :) "obiit domo M<sup>r</sup>. Hill, sepultus in Newtown"; (*Ibid.*, obituary:) "1699 . . . in Anglia." All his qualities of a high order; "talento ad missiones et opera pia."

This statement, about Francis Pennington dying at Newtown, comes from confusing the name with that of John Pennington. See *infra*, No. 40.

32. **Gulick, Fr. Nicholas**, of Rouen. 1647-1669-? March 25, 1674, ordained priest; October, 1675, sent to Md., where he worked as a Jesuit till 1694. (3°, 1696, "Dimissi"): "Post emissa vota: P. Nicolaus Gulick in Maril., 1694." See **Documents**, I. No. 6, X<sup>3</sup> (1688). (2°, 1678:) "Ingenium bonum; aptus ad missiones et conciones"; (2°, 1685:) "aptus ad pauca."

33. **Knatchbull, Br. Francis**. 1641-1671-1677. October, 1675, sent to Md. (**Documents**, I. No. 8, F<sup>2</sup>:) "He obtained the mission of Md." at the end of 1674; but 1°, 1675, has only one lay brother, Turberville, with Frs. H. Pelham and Tidder.

34. **1677. Gavan, Fr. Thomas.** 1646–1668–1712. Professed of 4 vows. At the end of 1677, sent to Md.; there till 1685. (L. 1:) “Mr. Gavan returned pious and wise”; (2°, 1678:) “ingenium optimum, judicium simile, prudentia par, experientia exigua; aptus ad speculativa, missiones, et alia pleraque”; (2°, 1685:) “experientia non multa.”

35. **Berboel, Br. John,** of Pontault, diocese of Aire. 1651–1676–1684. At the end of 1677, sent to Md., where (3°, 1684:) he died; (Foley:) he died at Watten, in French Flanders.

36. **1681. Hothersall, Thomas,** scholastic. (1°, 1685:) “43 ann. natus” (1642)–1668–1698. 1681, sent to Md.; there till his death, teaching school. (2°, 1685:) “Ingenio optimo, sed laeso; judicio similiter; prudentia pariter; scientia insigni in philosophia et theologia; complexione temperata nisi ob morbum; talento ad multa si sanaretur, nunc ad pauca.”

37. **Lambreck, Br. Anthony,** of Artois. 1650–1680–? 1681, sent to Md.; (1°, 1696:) “socius PP. missionariorum in Marilandia.”

38. **1682. Percy, Fr. Thomas.** 1648–1667–1685. 1682, in Md.; 1683, returned to England without leave; apparently deranged. See **Documents**, I. No. 6, G<sup>2</sup>–J<sup>3</sup>, L<sup>3</sup>–O<sup>3</sup>. (2°, 1675:) Of good parts, very successful in studies, of great promise for the future.

39. **1683. Harvey, alias Barton, Fr. Thomas.** 1633 (1635)–1653–1696. Professed of 4 vows. 1683, in N. Y., till 1689; (1°, 1690:) “P. Joannes [?] Harvey . . . jam in Novo Eboraco”; (3°, 1691, Martii 25:) “In Novo Eboraco, P. Thomas Barton”; (3°, 1692, 1693:) ditto; (3°, 1694, 1695 wanting; catal. mortuorum trien., 1700:) “1696, P. Thomas Barton in Maryland.” All his qualifications, natural and acquired, of a high order.

40. **1684. Pennington, Fr. John.** 1647–1666 (1668)–1685. Professed of 4 vows. 1684, in Md., till his death, which is entered in 3°, 1686. (Md. -N. Y. obituary:) “1696 [?]. P. Pennington, Joannes. Locus obitus, in domo D. Hill. Sepultus Neopoli”; (1°, 1685:) “docuit musicam Audomari [*St. Omer's*].” Of good parts and attainments, “aptus ad activa et missiones.”

41. **Harrison, Fr. Henry,** born in Antwerp. 1652–1673–(1700). Professed of 4 vows. 1684, in N. Y., till 1689. Then, after being in Flanders, Ireland and Italy, (3°, 1697:) “Rediere in Provinciam, 1697: P. Henricus Harrison, Laureto”; (3° 1697:) registered as in Md.; (3°, 1698, wanting; 1699, 1700:) “De P. Henrico Harrison, qui eo [*in Missionem Americanam Marylandiae*] tendebat, nihil adhuc audimus”; (3°, 1701:) “Mortui, 1701: P. Henricus Harrison,” without place or date.

42. **Williart, Br. Nicholas,** of Flanders. 1648–1676–1698. 1684, in Md., till his death.

43. **1685. Burley, Br. William,** of Maryland. ?–(1685)–?(2°, 1690, 1700, 1723:) Particulars of birth and entrance into S.J. left blank.

1685, novice brother in Md.; there till 1708; again 1724, 1725; wanting in 1726 and later. Cf. Baldwin, I. 159: Cordea, Mark, St. Mary's Co., by will drawn, March 27, 1685, leaves to Brothers Anthony [*Lambreck*] and William [*Burley*], of Catholic brotherhood at St. Inigoes, part of Cross Manor and part of Elizabeth Manor, at death of wife aforesaid, in trust for benefit of the poor.

44. 1686. **Matthews, Fr. John**, (Md.-N. Y. catal.): **Thomas**. 1658-1677-1694. Spiritual coadjutor. 1685, ordained priest; 1686, in Md., till his death (Md.-N. Y. catal.): at Newtown.

45. **Gage, Fr. Charles**, born in Flanders. 1655-1675-? 1686, 1687, in N. Y.; 1688, back in England; left S.J., 1693.

(3°, 1687:) "In Missionibus Indicis, 10"; (3°, 1689:) "in Missionibus Indicis, 9"; (Documents, I. No. 8, M°, 1690:) six in all, 2 priests, one master, 3 brothers.

46. 1692. **Hunter, Fr. William**. 1659-1679-1723. Professed of 4 vows. (3°, 1692, "Missi alio") "P. Gulielmus Hunter in Marylandiam"; (catal. 1694, 1695 wanting; Documents, I. No. 6, E°:) already in 1696, superior of the mission, residing at Portobacco, till 1707; (Md.-N. Y. catal.): died at Portobacco. (2°, 1714:) "Talento ad gubernandum plane excellenti et singulari"; (2°, 1723:) "talento ad missiones et gubernandum praeclaro"; (2°, 1723[?]) "professus 4 vot., 23 Aug., 1702, ob talentum in gubernando, etc. Diu missionarius in Marylandia, illius missionis superior et instaurator."

47. 1693. **Hall, Fr. John**. 1664-1683-1703. (1°, 1693:) "Missus hoc anno in Marilandiam"; became procurator there; returned to England, 1699. (2°, 1693:) A high estimate of his qualities. His final degree in S.J. does not appear.

(Documents, I. No. 8, N°, 1693:) 10 are reported for Md., and N. Y. Hall makes an eleventh.

48. 1696. **Brooke, Fr. Robert**, "Americanus ex Marilandia." 1663-1684-1714. Professed of 4 vows. Had been military chaplain at Bruges. 1696, in Md.; 1708, superior till 1712; (Md.-N. Y. catal.): died at Newtown. (2°, 1696:) All his qualities of the highest order; "talento ad missiones et omnia spiritualia."

49. **Riddell, Fr. William**. 1669/70-1687-1711. Professed of 4 vows. (3°, 1696:) Registered as in Md.; (1°, 1696:) "destinatus in Marilandiam; est adhuc in missione Anglicana." Cf. Documents, I. No. 6, H°, 1696. (Probably never went to Md.).

50. **Del Poue, Br. Philip**, of St. Omer. 1655-1682-1718. 1696, sent to Md.; 1697, in Md.; 1699, returned to Europe.

51. 1697. **Dyne, Br. John**, of Sussex. 1656-1681-1703. 1697, in Md., till his death. A man of good parts, great experience, no studies.

52. 1698. **Gonent, Fr. James**, "Rumiphani in Artesia." 1653-1688-1698. Probably entered S.J. already a priest. (Trienn. 1700, catal. mortuorum:) "1698. P. Jacobus Gonout, in itinere ad Maryland, December 28."

53. 1700. Thorold, Fr. George. 1670 (1673?)–1691–1742. Professed of 4 vows. 1700, in Md., till his death; March, 1725, superior, till June 10, 1734; (3°, 1733:) also procurator; died at Portobacco, aet. 69 (?). (L. 1:) "A holy and zealous Missioner." Of good natural parts; (2°, 1714:) "aptus ad missiones excellenter, et pleraque alia valde idoneus"; (2°, 1723:) "talento ad missiones et pleraque alia ministeria idoneo."

3°, 1726, 1727, have Thorold, Geo., as missionary in England. But this seems to be a clerical slip; for Thorold, Edm., precedes, "Missionarius in Anglia," and George following is put down "idem."

54. Wood, *alias* Killick, Fr. William. 1671–1689–1720. Professed of 4 vows. 1700, in Md., till his death. (2°, 1714:) Of excellent parts and great experience; learning eminent, but health poor.

55. Mansell, Fr. Thomas. 1668/9–1686–1724. Professed of 4 vows. 1700, in Md.; 1713, superior apparently till his death, (Foley:) March 18, 1724; Thorold succeeding (E. P. A.): "a mense Mart. 1725" (O.S.?). (2°, 1700, 1714, 1723:) A man of the highest qualifications, natural and acquired; "talento ad omnia Societatis et missionis munia maxime idoneo."

56. Jamar, Br. Henry, of Liège. 1670–1697–? 1700, in Md., till 1708; (3°, 1708:) "in itinere ex Marilandia," under charges which were dispelled. See Documents, I. No. 7, E, F, 1709.

57. Wilson, Br. Joseph. 1665–1697–1702. 1700, in Md., till his death.

58. 1702. Brooke, Fr. Matthew, of Maryland. 1672–1699–1705. Entered S.J. already a priest. 1702, in Md., till his death; (3°, 1705:) "Matthaeus Brooks, Mort."; (Md.-N. Y. catal.): "obiit in Portobacco." Cf. Documents, I. No. 42, C.

Catal. 8° here is marked "1703"; but all the internal dates are of 1702.

59. Latham, Fr. Richard. 1671–1691–1708. Spiritual coadjutor. 1702, in Md.; (3°, 1708:) died "in itinere ex Marilandia." (Md.-N. Y. catal.): "Reversus sanitatis causa"; (L. 1:) "1700 [!]. Mess<sup>rs</sup>. Cataway and Rich: Lathon, who both returned, he upon buysyness, this for health."

60. Cattaway, Fr. Henry. 1675–1693–1718. (Foley:) Professed. 1702, in Md., till 1705. (Md.-N. Y. catal.): "Reversus ob negotia." (2°, 1705:) Of first-class parts, "ad docendum et alia pleraque."

61. Del Veaux, Br. Joseph, of Namur. 1681–1701–1734. 1702, in Md., till his death. A man of much experience.

Sir Thomas Lawrence, secretary of Md., writing from James River, Va., October, 1708, speaks of priests having arrived with Mr. C. Carroll. (P. R. O., *B.T.*, Md. 4, October 25, 1708, to Board of Trade. Cf. *supra*, p. 465, ad note 8).

62. 1705. Havers, Fr. Thomas. 1668/9–1688–1737. Spiritual coadjutor. 1705, 1706, in Md.; (Md.-N. Y. catal.): "reversus anno posteriori."

63. **Clarkson, Br. Edmund.** 1668/9-1695-1734. 1705-1714, in Md.; then returned to Europe. A man of much experience.

64. **Smallwood, Br. Joseph.** 1666/7-1694-1716. 1705-1709, in Md.; then returned to Europe. A man of reliable experience.

65. **1706. Dyne, Br. George.** (1°, 1711:) "*Anglus . . . admissus in Marilandia . . . curator prædiorum in Maril.*" ?-(1706)-1711. 1706, 1707, in Md.; 1708, his name does not appear; 1709, 1710, in Md.

66. **1709. Le Batte, Br. David,** of Navarre. ?-1713-1732. (1°, 1709:) "*Novitius*" in Md., where he is registered till 1713 (catal. 1714 wanting). But the whole of this novitiate was cancelled. He was called to Europe; (1°, 1723:) "*tempus Societatis, 10 Mart., 1713.*" His qualities all negative, except his "*complexio cholericæ*"; in his craft as tailor at Ghent, 1723, he was credited with "*talento sartoris taliter qualiter idoneo.*" (Foley:) He became porter.

67. **De la Poole, Fr. Toutsaint,** of French Flanders. 1673 (1675)-1694-1710. (1°, 1709:) "*In itinere in Marilandiam.*" (Foley:) He died on the way, in England.

68. **Pulton, Fr. Henry.** 1679-1700-1712. (1°, 1709:) "*In itinere ad Marilandiam.*" In Md., till his death. (Md.-N. Y. catal.): "*Pulton, Ferdin<sup>d</sup> [?], obiit Neopoli.*" (2°, 1711:) He had a robust constitution, with "*talento ad partes missionarii instructissimo.*"

69. **Bourdeaux, Br. Nicholas,** of Liège. 1676/7-1707-1718. (1°, 1709:) "*In itinere ad Marilandiam*"; there till his death. Of first-class practical abilities in many lines; (1°, 2°, 1711:) "*curator prædiorum in Mariland, pistor et braxator . . . talento apto multis gradus sui muneribus, maxime curæ cortis [?], agriculturæ, braxatoriae, etc.*"

70. **Leridan, Br. Philip,** of Artois. 1683-1698-? (1°, 1709:) "*In itinere in Marilandiam*"; there till 1725. A man of good parts, especially as a carpenter. Then he took flight somehow. See **Documents**, I. No. 7, W, 1725. (3°, January, 1726:) Carpenter at St. Omer's; in 1728, December 13, dismissed.

71. **1712. Hodgson, Fr. Thomas.** 1682-1703-1726. Professed of 4 vows. 1712, in Md., till his death; but the name is wanting in the Md. list, 3°, "*Jan. 1726*"; hence probably ob. 1725. (2°, 1714:) A man of very fine qualities, especially judgment and prudence; (2°, 1723:) "*talento ad missiones et alia pleraque ministeria idoneo.*" (Md.-N. Y. catal.): "*P. Hudson, obiit Bohemiae.*"

72. **Attwood, Fr. Peter.** 1682-1603/4-1734. Professed of 4 vows. 1712, in Md., till his death; (3°, 1725, 1727:) "*Vice-Superior*" (probably on the Eastern Shore of Md., Thorold being superior of the mission); (E. P. A.): superior, June 10, 1734; died (3°, 1735:) December 14, 1734. All his qualities of a high order; (2°, 1723:) "*talento ad Societatis et missionis munia obeunda singulariter idoneo.*" (Md.-N. Y. catal.): "*Obiit Neopoli in 1736, Dec.*"

73. **Williams, Fr. Francis**, "Cambro-Britannicus." 1682-1702-738. Professed of 4 vows. 1712, in Md., till 1719; (3°, 1720 wanting; 2°, 1730:) "7 annos in miss. Maril.; jam in Anglia." His qualifications similar to those of Attwood; (2°, 1723:) "talento ad munera Societatis domestica et missionis plane eximio."

74. **Somer, Br. Charles**, of Flanders. 1686-1706 (1708)-1716. 1712, in Md., till his death. A pharmacist.

75. **1713. Thomas, Fr. Richard**. 1685-1704-1735. Spiritual coadjutor. (3°, marked "Anno 1714," but apparently for 1713:) 1713, in Md.; but (1°, 1714:) "missionarius in Marilandiam profectus." There till 1730 (3°, 1731 wanting).

76. **Brockholes, Fr. Charles**. 1684-1705-1759. Spiritual coadjutor. (Same disparity in the catal. as for Thomas); 1713, in Md., till 1716 (3°, 1717, 1718 wanting). Of ordinary ability for studies, he had good practical parts; (2°, 1714:) "ad omnia missionarii excellenter, et ad varia domestica munera valde idoneus"; (2°, 1730:) "optimus ad missiones, vir zelosus."

77. **Westley (Wesley), Br. John or William**. 1686-1706-1743. 1713, in Md., till 1729; 1734 till 1742; (3°, 1743:) the name wanting. According to Documents, I. No. 8, V<sup>2</sup>: "Fratres, 2," he would seem to have been alive in June, 1743.

78. **Robinson, William**, probably a lay brother. ?-(1713 or 1714)-? (L. 1., p. 1:) Provincial Lawson, September, 1724, to Thorold: "Power [granted] to admitt W<sup>m</sup>. Robinson to his last bonds [vows], and W<sup>m</sup>. Scott to his noviship." (See *infra*, No. 88, W. Scott.) Cf. Documents, I. No. 7, M, on the Md. "oblates."

The extant catalogues 3°, 1718-1723, note the offices of "admonitor" and "consultores" in the Md. mission.

79. **1719. Gerard, Fr. William**. 1687-1707-1731. Professed of 4 vows. 1719, in Md., till his death. (2°, 1723:) "Talento ad omnia arduæ missionis et pleraque alia idoneo." (Md.-N. Y. catal. :) Died at St. Inigoes.

Catal. 3°, 1720, 1721, wanting.

80. **Clempson, Br. Ignatius**. 1693-1713-? 1719, in Md., till 1720, when he disappeared. See Documents, I. No. 7, R. (L. 1, p. 14:) Provincial Turberville, November 10, 1728, to Thorold: readmission of Clempson into S.J. refused; he might be accepted as an "oblate." See *infra*, p. 688, note 3.

81. **1722. Greaton, Fr. Joseph**, also John, James. 1679-1708-1753. Professed of 4 vows. 1722, in Md.; (1°, 1722:) "procurator missionar."; 1738, registered as in Pennsylvania; 1740, superior in Pa., with three missionaries; (1°, 1749:) "missionarius, 37 [annos], procurator, 2"; (3°, 1749:) "Philadelphiae"; (Foley:) died at Bohemia;

(G.T.C. :) "bis huc missus." (2°, 1727 :) A man of practical abilities and much experience.

82. **Bennet, Fr. John.** 1692-1710-1751. Professed of 4 vows. 1722, in Md., till 1730. (3°, 1731 wanting; 2°, 1727 :) Of good natural parts, experience, and studies; "talento ad missiones, conciones, etc., optimo, si uteretur."

83. **Floyd, Fr. Francis,** "ex Wallia." 1692-1710-1729. Professed of 4 vows. 1722, in Md. (as we interpret the dates of the catalogues; Foley: 1724); there till his death. (2°, 1727 :) Of high qualifications, "talento ad missiones valde idoneo." (Md.-N. Y. catal. :) "Loyd obiit Neopoli."

84. **Davis, Fr. Peter.** 1692-1711-1759. Professed of 3 vows. 1722, in Md. (subject to the same discrepancy as with Floyd); there till 1734; (3°, 1734, November 1 :) "Pet. Davies in itinere ab America"; (3°, 1737 wanting); 1738, again in Md.; (E.P.A., ledger A, p. 354 :) "1740, Sept. 13, Mr. Davis' expences to Md., not entered before, £58 2s. 0d." First, a spiritual coadjutor, then (**Documents**, I. No. 7, V, 1724 :) granted the profession of 3 vows; (2°, 1754 :) registered accordingly; (**Documents**, I. No. 7, H<sup>2</sup>, 1733 :) presented by the Provincial for profession of 4 vows, in view of his talent for preaching, and his accomplishments in Greek literature; (**Documents**, I. No. 7, X<sup>2</sup> :) the four sworn testimonies required not having yet come to hand, the General, July 16, 1740, made a declaration against suspending the final graduation. (E.P.A. :) "PP. 3 V . . . Pet. Davies, 2 Feb. 1733, N.S. Pet. Davies had left Maryland before the letters arrived. So was not form'd. He went back againe, before any resolution from Mr. Retz [*the General*]; and now, being return'd againe to England, is not yet form'd." The representations of 1724 and 1733 do not agree with those of 2°, 1727, where none of his qualities are above the ordinary except experience and a good talent for missions. (Md.-N. Y. catal. :) "Davis, Petrus, reversus est bis, ultimo in 1734."

85. **Chamberlain, alias Pearce, Fr. James.** 1692-1713-? 1722, in Md. (subject to the same discrepancy as in the two preceding Nos.; **Documents**, I. No. 7, S, T, U :) 1724, he disappeared; (*Ibid.*, W :) 1725, was severed from S.J. (cf. *Ibid.*, X). (2°, 1723 :) His qualities and acquirements, except experience, were of the very best in all lines; "talento ad ardua missionis munera valde idoneo."

A later revision of 3°, "1724, M. Febr.," that is, for the year 1723, has affixed a "+" to Fr. Francis Floyd's name, and has erased that of Fr. James Chamberlain; and so *passim*. Then follows at the end of the alphabetical index: "Ab an: 1724 ad Jan: 1, 1731: Mortui, 68, Dimissi, 8." The numbers in the English Province for those years were (Foley, *Collectanea*, Intro., p. cxvii.): 1723, 345; 1724, 347; 1725, 337; 1726-1730, 331, 332, 335, 340.

86. **1723. Whetenhall, Fr. Henry.** 1694-1713-1745. Professed of 4 vows. (1°, 1723 :) "Parat se Londini ad Missionem Marilandicam"; (1723) in Md., till 1735; (3°, 1736 :) in the College of St. Ignatius,



England. (2°, 1727 :) All his gifts of a high order, "talento ad missiones satis bono."

87. **Case, Fr. James.** 1691–1713–1731. 1723, in Md.; (3°, 1727 :) "dimissus"; (Foley :) died in the Md. mission, February 15, 1731; (Md.–N. Y. catal. :) died at St. Inigoes.

(1728, catal. rerum): "Provincia Anglicana 19 numerat domicilia, viz. 12 Collegia, quorum 8 sunt in Anglia, 4 in partibus cismarinis, et 7 Residentias, quarum 6 sunt in Anglia, 2 [!] in Marilandia, Americae tractu. . . . In Residentia S. P. Ignatii in Marilandia 16 [socii] . . ." This passage shows a division of the Md. mission into two residences (one, no doubt, on the Western, the other on the Eastern Shore of the Chesapeake); though the whole is then called the "Residence of St. Inigoes."

88. **Scott, William**, probably of Md., and a lay brother (see *supra*, No. 78, on the "oblates." L. 1, p. 1, 1724 :) "Power [granted] to admitt . . . W<sup>m</sup>. Scott to his noviship; the same power to Mr. Thorold and his successors to admitt say'd Scot to his last bonds [vows], if he be judg'd fitt." (*Ibid.*, p. 14 :) Provincial Turberville, November 10, 1728, to Thorold: "Ratifys the dismission of W<sup>m</sup>. Scot, & says he has writ to Mr. Drummer [Tamburini, the General] to approve of it, and to give liberty to our Factory [Md. mission] to dismiss on such occasions."<sup>3</sup>

89. **1725. Whitgrave, Fr. James.** 1698–1718–1750. Spiritual coadjutor. 1725, in Md., till 1738, when he returned to England. (E.P.A. :) "Coad. Form. S.J., an. 30 expleto . . . 22 Jan., O.S., 1731, Jac. Whitgrave." (3°, 1733 :) "N.B.—P. Jacobus Whitgrave formandus erat 2 Feb., 1726. Sed differtur propter graves difficultates circa bona temporalia, quibus cum superiorum consensu nondum renunciavit."

90. **Gerard, Fr. Thomas.** 1692 (1693)–1714–1761. First, spiritual coadjutor; then professed of 4 vows. 1725, in Md., till 1739; (3°, 1739, November 1 :) "P. Thom. Gerard in itinere ex Marylandica Miss." (3°, 1733 :) "Professi 4 votor., P. Tho. Gerard in Marylandia, 3 Dec. 1732." (2°, 1737, copying from earlier catal., as 2°, 1730 :) "Coadj. spir. form., 2 Feb., 1725." (*Anglia, Epist. Gen.*, March 29, 1732, General to Provincial, R. Richardson :) "Accepi priore hebdomada tam suffragia quam

<sup>3</sup> As temporal coadjutors were totally withdrawn from the service of Md. after the time of No. 118, *infra*, Br. De Gee (1743–1758), the following elements will explain the policy. (*Loc. cit.* :) Turberville continues, farther on in the letter: "As for Br. Clemson, who desires to be readmitted, I'm intirely against it, but am for his being imploy'd, if y<sup>a</sup>. find him fit, in some of y<sup>r</sup>. houses; and, if after some triall y<sup>a</sup>. think fit, y<sup>a</sup>. may take him as oblate, w<sup>ch</sup>. degree I take to be the most proper for y<sup>r</sup>. Factory." (*Ibid.*, p. 15 :) "The most materiall in Mr. Turber<sup>le</sup>. letter of y<sup>e</sup> 18<sup>th</sup> of 8<sup>bre</sup>., 1729, is an answer he receiv<sup>d</sup>. from Mr. Drummer concerning the Br. Mr. Turb<sup>le</sup>. had writ to him for to give y<sup>e</sup> Supe<sup>r</sup>. here power to dismiss y<sup>m</sup>. as occas<sup>n</sup> required: "Ut hos autem (y<sup>e</sup> Br.) a negotiatione nostra dimitti [dimittere] valeat ipsorum illic Praeses de consilio suorum CC. [consultorum], hisce potestatem illi factam significet Dominatio Vestra, pro casu quo delicti alicujus publici rei deprehenderentur; magis autem probo Dominationis Ves<sup>ae</sup>. mentem, ut ipsi suasit, ut, illorum loco, oblato<sup>r</sup>um opera rebus suis consulat. Ita est, Georgius Thorold." The ultimate reason for this was the lack of protection which came from the want of priestly ordination. (*History*, I. 161, note 1, from Ston. MSS., MS. A, V, 1, f. 84, Excerpta et litt. Gen. :) The General Vitelleschi (January 26, 1686) pronounced against temporal coadjutors being employed on the English side of the Channel. (Foley, *Collectanea*, Introd., pp. lxxi.–cxxxviii. :) There is a remarkable absence of them in the mission of England, during the whole period, 1620–1773.

informationes de D<sup>o</sup>. Thomas Gerard; cumque omnia eidem faveant, hisce potestatem facio, illum quamprimum promovendi ad propositum Negotiationis Nostræ gradum." (2<sup>o</sup>, 1727 :) All his qualities of a high order, and his aptitude for missions the very best.

91. **Reynolds, Br. Richard.** 1687-1719-1736. (3<sup>o</sup>, 1725, an alphabetical catalogue, "Jan., 1726" :) 1725, in Md., till his death.

Catalogues 3<sup>o</sup>, 1725-1730, follow a new system of merely alphabetical lists, with a qualification appended to names, as "Miss. in Mary-landia."

92. **1726. Kingsley, Fr. Owen Joseph.** 1697-1716-1739. Professed of 4 vows. 1726, in Md.; 1728, back in England. (*Documents*, I. No. 7, Z, A<sup>2</sup>, 1729 :) It seems doubtful whether the Fr. "Owen George" Kingsley, of whom the General speaks in his correspondence, may not be Ignatius George Kingsley, who did not work in America.

93. **Quin, Fr. James or John.** 1698-1717-1745. Professed of 4 vows. 1726, in Md., till his death. (Md.-N. Y. catal. :) "Obiit ex lapsu in scapha"; (Fenwick :) "by a fall in getting out of a ferry boat dragged by his horse at Choptank river."

94. **1728. Philips, Fr. Vincent.** 1698-1717-1760. Professed of 4 vows. 1728, in Md., till 1752. (3<sup>o</sup>, 1749 :) "Neapoli," at Newtown; (1<sup>o</sup>, 1749 :) "Missionarius, 21 [annos]".

95. **1730. Molyneux, Fr. Richard, sen.** 1696-1715-1766. Professed of 4 vows. 1730, in Md.; (E.P.A., ledger A, p. 220 :) "1730, Apr. 10. To Mr. Rich. Molyneux going for Maryland, £43 0s. 0d."; (3<sup>o</sup>, 1735 :) 1735, superior; (E.P.A. and 3<sup>o</sup>, 1736 :) "sup. declaratus, 1736", till the end of 1742 (where the dates of catal. are uncertain by a year); again superior, 1747-1749, when (Foley :) he returned to England. But see *infra*, No. 102, T. Pulton, annotation from E.P.A. (3<sup>o</sup>, 1749 :) "In Porto Bacco"; (1<sup>o</sup>, 1749 :) "Missionarius, 24 annos" (having been originally a missionary in England), "Superior Missionis, 6." (E.P.A., ledger A, p. 223 :) "1730, Nov. 8. Your [*the Provincial Turberville's*] present to Maryland, a copy of 'Saints' Lives,' £1 11s. 6d." (*Ibid.*, ledger Wn, f. 104 :) "Mr. Richard, alias Maryl: Molyneux, Dr. Nov. 8, 1751. Sent to you the following books, Conyer Middleton on 'Miracles,' £0 10s. 6d.; Boyer's 'Dicti': 6s.; Gibson's 'Pastoral Letters,' 3s.; 4 magazines, 2s. :—£1 1s. 6d." (But this would be after his return to England; and the name "Maryl." must have been a soubriquet to distinguish him from a namesake, jun.) (Md.-N. Y. catal. :) "P. Molyneux, reversus est bis, ultimo in 1749."

3<sup>o</sup>. catal., 1781, 1782, wanting.

96. **1731. Leckonby, Fr. Thomas.** 1702-1721-1734. Spiritual coadjutor. 1731, sent to Md.; there till his death. (E.P.A., ledger A, p. 223 :) "1730/1, Jan. 19. To Mr. Leckonby going to Md., £25 0s. 0d." (Md.-N. Y. catal. :) "Obiit in Portobacco, 1736 [!]."

97. **1732. Harding, Fr. Robert or John or Richard.** 1701-1722-1772. First, spiritual coadjutor; then (*Documents*, I. No. 7,

F<sup>2</sup>, H<sup>2</sup>-K<sup>2</sup>, M<sup>2</sup>, 1732-1735 :) professed of 3 vows. 1732, in Md.; died in Philadelphia. Till 1752, Greateon and German Fathers are entered for Pa.; Greateon dying, August 19, 1753, Harding probably succeeded immediately at Phila. (E.P.A., day book H :) January 10, 1732: "To Md., Harding going to Maryland, for the ship, £8; for his cabbin, 5 guineas; for fresh provisions, £5; for his pocket, £6; in all, £22 5s."; (*Ibid.*, ledger A, p. 230 :) "1731/2, Jan. 18. Paid for rigging out Mr. Harding to Maryland, with charges in town and journey to see his mother in the country, £63 3s. 3d." (1°, 1749 :) "Missionarius, 17 [annos]." (3°, 1754, "Missio Maril. et Pensyl.;" ) "P. Rob. Harding, 3 vot., Missionarius in Maryl. 21 ann."

98. 1733. Fleetwood, Fr. John. 1703-1723-1734. 1733, in Md., till his death in the following year. A young man of first-class promise. (Md.-N. Y. catal. :) "P. Fleetwood, obiit eodem anno, 1733."

99. Steffens, Br. John, of Gravelines. 1693/4-1717-1747. 1733, in Md., till 1738, when he returned to Europe. (3°, 1733 :) Steffens is added as a 16th. to the Md. list: "Sac. 13, Coadj. 2, Univ. 15."

100. 1734. Farrar, Fr. James. 1707-1725-1763. Professed of 4 vows. 1734, in Md., till 1747, when he returned to England.

101. Livers, Fr. Arnold, of Maryland. 1705-1724-1767. Professed of 4 vows. 1734, in Md., till his death; (3°, 1749, 1750, 1752 :) "Neapoli"; (1°, 1749 :) "Maril. Missionarius, 15 [annos]"; (1°, 1754 :) "in Maril., 19."

102. 1738. Pulton, Fr. Thomas. 1697-1716-1749. Professed of 4 vows. (Foley :) 1738, sent to Md.; (3°, 1739 catal. wanting); 1742, superior till 1746; (Foley :) died superior of the mission, Jan. 13/23, 1749.

E. P. A., the Provincial's *Note and Address Book* does not agree here with the catalogues: "Rads. [*Residences*] abroad w<sup>th</sup> their Sprs. [*Superiors*]. S. P. Ig.: Maryld. Spr.: Pet. Atwood [*erased*]. Geo. Thorold a mense Mart. 1725. Peter Attwood declar<sup>d</sup>. June 10: 1734. Rich: Molineux, Senr. 1736. Tho. Pulton —. Ricar. Molyneux, 1748. Thomas Digges, 1750. Georg. Hunter —." [*End of list.*] As to what Foley has, that Pulton was superior when he died, compare (8°, Julii 8, MDCCXLIX, Typis Viduae G. Barnabe, Leodii): "V. Missio Marilandica et Montis-Serrat. 1. P. Richardus Molineux, in Porto Bacco. . . . X. Syllabus Defunctorum a 1 Sept., 1746, ad 8 Jul., 1749 . . . 21. P. Thomas Pulton, in Marylandia, 1749."

103. 1740. Neale, Fr. Henry, of Maryland. 1702-1724-1748. Professed of 4 vows. (Documents, I. No. 7, S<sup>2</sup>-U<sup>2</sup>, 1739; 3°, 1740 :) 1740, in Md.; (Documents, I. No. 100; 3°, 1741-1747 :) in Pa., till his death. (E.P.A., ledger A, p. 76 :) Money advanced by a house (of Tertian Fathers, Ghent ?) in Belgium, "Steendam, Cr. . . . 1740 . . . By Messrs. Bracey, Neal & Archbold, viat[icum], £30"; (*Ibid.*, p. 354 :) "1740, Sep. 13. Three gentlemen going to D°. [*Md.*], viz. M<sup>rs</sup>. Neal, Archbold and Knowles, £255." (2°, 1730 :) His parts and acquirements excellent, "talento ad mathesim et pleraque suo tempore"; (2°, 1743 :) a similar estimate, "talento ad gubern., human., math., philos."; (1°, 1746 :) "professus 4 votorum . . . docuit human. ann. 5, math." (Md.-N. Y. catal. :) "Obiit Philadelphiae, 1748, Apr. 24."

104. **Archbold, Fr. Richard**, of Ireland. 1713-1731-? Professed of 4 vows. (*Documents*, I., No. 7, as under H. Neale; 3°, 1740:) 1740, in Md., till 1749; (1°, 1749:) "Missionarius, 9 [annos]; (E.P.A.): "1748-9; Prof. 4 vot. . . . + Rich. Archbold, 22 Julii in Maryl.: et exemplaria nondum pervenerunt." (1°, 1754:) "Studuit philos., 3 [annos], theol., 4, Professus 4 votor. 2 Feb., 1749." (Md.-N. Y. catal.): "Obiit apostata, reversus in 1749." See *supra*, p. 132, note 8.

105. **Knowles, Br. John**. 1696-1731-1743. 1740, in Md., till his death.

106. **1741. Schneider, Fr. Theodore**, of Heidelberg. 1703-1721-1764. Professed of 4 vows. 1741, in Pa., till his death. (1°, 1754:) "Docuit philos. Heidelbergae"; (1°, 1749:) "docuit phil. 2 ann.; item controuv. Leod.; Miss. Penn."; (1°, 1763:) "doc. infer. in Germ." (Md.-N. Y. catal.): "Obiit in Cushenhopen. Fundator Missionis Pennsylvaniae." (Foley, from Md. catal.): Formerly Rector of the University at Heidelberg. (See Burns, p. 126.)

(*Documents*, I. No. 70, B:) Annuity from Sir John James's fund, of which many particulars are entered in E. P. A., ledger B, pp. 141, *seq.*, "Pennsylvania Accounts"; *Ibid.*, pp. 278, *seq.* Cf. *supra*, p. 497, note 7.

107. **Wappeler, Fr. William**, "Siegenensis." 1711-1728-1781. Professed of 4 vows. 1741, in Pa., till 1748; (3°, 1749:) "in Germanio [! Germania?], P. Gulielmus Wappeler." (Md.-N. Y. catal.): "Reversus anno 1748, et obiit Brugis, 1781." He seems to have become attached to the English Province till his death.

108. **Lancaster, alias Le Motte, Fr. James**. 1712-1734-1772. Professed of 4 vows. (E.P.A., ledger A, p. 354:) "1740, Sep. 13. . . . Mr. Lancaster's expenses." (3°, 1741:) "W. SS. Angelorum Custodum Missio Montseratensis. 1. P. Jacobus Lancaster" (there is no 2); (3°, 1742:) ditto; (3°, 1743:) "In insula Monteserrati: P. Jac. Lancaster"; (3°, 1744:) "13, P. Jacobus Lancaster, Mission. in Marylandia" (no mention of Montserrat; 3°, 1747, immediately after the Md.-Pa. list:) "P. Jacobus Lancastre in Canada"; (3°, 1749:) "V. Missio Marilandica et Montis-Serrat . . . 16. P. Jacobus Lancaster in insula Montserrate" (followed by "17. P. Jacobus Beadnal." Catal. rerum, mense Junio, 1749:) identical observation as for 1743, in *Documents*, I. No. 8, V<sup>2</sup>. (1°, 1749:) "Missio Marilandica . . . 16. P. Jac. Lancaster, doc. phil., 3 [annos], miss[ionarius], 10." (3°, 1750:) At Watten.

109. **1742. Ashby, Fr. James**. 1714-1739-1767. Professed of 4 vows. 1742, in Md., till his death. (3°, 1749, 1750:) "In Fano S. Ignatii"; (1°, 1749:) "Mission., 8 [annos]"; (1°, 1754:) "Miss. in Maryl., 12 ann." (Md.-N.Y. catal.): "Obiit Neopoli."

110. **Digges, Fr. Thomas**, of Maryland. 1711-1729-1805. Professed of 4 vows. 1742, in Md.; (3°, 1749:) "in Sesquahanock" [*Susquehanna*?]; (3°, 1750:) "in Sequanock, V. Superior"; (3°, 1751

wanting; 3<sup>o</sup>, 1752:) "in Sequanock, Superior."<sup>4</sup> See annotation to No. 102, *supra*, Thomas Pulton. (1<sup>o</sup>, 2<sup>o</sup>, 1730:) "Novitius 1 an." of first-class capacity, judgment, prudence, and good progress in studies; fit for everything, "cum accesserit aetas"; (2<sup>o</sup>, 1743:) his qualities are equally pronounced; "talento ad docendum philos., altiora, gubern."; (1<sup>o</sup>, 1754:) "Missio Maril. et Pensyl. 1. Thomas Digges. Docuit philosophiam, 3[*annos*], Missionarius, 11, est Superior Missionis utriusque." Cf. (3<sup>o</sup>, 1750:) "Missiones Americae, 2," i.e. Md. & Pa., there being no mention of any other. (Md.-N. Y., catal.): "Obiit in Mellwood, aetatis anno 94, 1805, Feb. 5."

111. **Neale, Fr. Bennet, of Maryland.** 1709-1728-1787. Professed of 4 vows. 1742, in Md.; (3<sup>o</sup>, 1749, 1750, 1752:) "In Deercreek." (1<sup>o</sup>, 2<sup>o</sup>, 1730:) Precisely the same estimate of his abilities and acquirements as for Thomas Digges, *supra*, except that B. Neale is of a "complexio temperata," Digges, "choleric"; (3<sup>o</sup>, 1740:) "Theologi 2<sup>i</sup>. anni. P. Benedictus Neal, linguae sacrae professor"; (2<sup>o</sup>, 1743:) a more moderate estimate of Benjamin[!] Neale ascribes to him "ingenium acre," and talent "ad docendum philos., math., human., concionandum." (Md.-N. Y. catal.): "Obiit Neopoli."

112. **Digges, Fr. John, of Maryland.** 1712-1734-1746. Spiritual coadjutor. 1742, in Md. Cf. Documents, I. No. 7, A<sup>3</sup>, 1741. (Md.-N. Y. catal.): Died at Baltimore. (1<sup>o</sup>, 1743:) His studies complete, but "ingenium non promptum."

Two 3<sup>o</sup>. catalogues here are as embarrassing as the Provincial's note, *supra*, No. 102, "Thomas Pulton." One is said to be "for 1741 or 1742"; in alphabetical order, B. Neale, J. Digges, and T. Digges are all registered for Md.; T. Pulton is superior. Another without date, supposed to be for October, 1742, has the same three in the alphabetical list, but "P. Rich. Molineux, superior." From internal evidence, the former, "1741 or 1742," seems to be 1742; because Thorold and Knowles are still alive, and T. Pulton is superior, whereas Molyneux is superior in a preceding catalogue which we take to be 1741, although it is dated distinctly, "23 Oct., 1740." The other, without date, supposed to be for 1742, is wanting in both Thorold and Knowles; therefore later; and yet "P. Rich. Molineux" is superior. Our next 3<sup>o</sup>. catalogues are for 1743, with the deceased from June 26, 1743, till February 12, 1744, Pulton superior; 1744, dated distinctly, December 1, 1744; 1746, accompanied by 1<sup>o</sup>. and 2<sup>o</sup>, 1746. Only in 1747, Molyneux is again registered as superior. So we leave the matter, with the Provincial's note, and that particular catalogue on one side, and the rest of them on the other, relative to T. Pulton's term of office, as we gave it in No. 102. But it explains why Foley says that John Digges "appears in the Md. catal. for 1741." Documents, I. No. 7, A<sup>3</sup>, 1741, shows that he could not have been in Md.

113. **1743. De Gee, Br. Henry, of Liège.** 1710-1740-1772. 1743, in Md., till 1758. (3<sup>o</sup>, 1749:) "Coadj. temp. in Porto Bacco"; (1<sup>o</sup>, 1749:) "oeconomus, 7 [*ann.*]"; (1<sup>o</sup>, 1754:) "oeconomus Maryl. pro Nostris, 11 jam annis."

114. **1747. Hunter, Fr. George.** 1713-1730-1779. Professed of 4 vows. (1<sup>o</sup>, 1746:) "Z. Appendix. Per Angliam . . . 7. P. Georgius Hunter, Mission." (L. 1:) June 27, 1747, Mr. George Hunter

<sup>4</sup> Father Devitt takes Sequanock to be Deer Creek, commonly held to have been attended by Fr. John Digges (*infra*, No. 112), from 1744 till his death in 1746.

arrived with Kingdon; (1<sup>o</sup>, 1749:) "missionarius, 4 [annos]"; (3<sup>o</sup>, 1749, 1750, 1752, 1753:) "in Porto Baccho"; (1<sup>o</sup>, 1754:) "docuit human. 5 ann., missionarius 9, est procur. Miss."; 1756-1763, superior, it would seem, continuously; (L. 1:) returned to England, Oct. 1756; (1<sup>o</sup>, 1757:) "fuit missionarius, et est Praefectus Missionis."—This is a new designation. Possibly, Hunter came back with powers from the Propaganda as a prefect apostolic, the Md.-Pa. mission becoming a prefecture apostolic. Cf. *supra*, p. 579.—(L. 1, among Hunter's own notes:) "1759, July 18 [?]. Mr. Geo. Hunter, Mr. John Kingdon, came back from England";<sup>s</sup> (1<sup>o</sup>, 1763:) "1. Geo. Hunter, vires fractae"; (L. 1:) "went to Canada, May 24<sup>th</sup>, 1769. 1770, May 18, Mr. George Hunter arrived from England"; (Md.-N. Y. catal. in one place evidently supposes that he returned for good to England:) "Reversus in Angliam"; (G.T.C.): "Ter huc missus, lmo. reversus, 1756, Oct." But (Md.-N. Y. catal. a second time:) "1769, Maii 24. P. Hunter, Georgius. Profectus ad Canadam, et inde in Angliam. Quarto appulsus est. Obiit in odore sanctitatis, et sepult: Portob: ad latus R. Kingdon et Leonards, 1779, Jun. 16"; (L. 1:) "died in the sixty seventh year of his age, a most pious and worthy missioner." The extensive money accounts of Maryland people and affairs in Europe, in E.P.A., ledger Wn., pp. 21-123, as also in day book P, are largely debited to Fr. George Hunter's name.

115. **Kingdon, Fr. John.** 1716-1735-1761. Spiritual coadjutor, 1746; professed of 4 vows, 1753. June 27, 1747, arrived with G. Hunter in Md.; (3<sup>o</sup>, 1749, 1750, 1752, 1753:) "Neapoli." (Md.-N. Y. catal. and G.T.C. suppose, as in Hunter's case, that Kingdon returned to England for good:) "Reversus in Angliam"; "Bis huc missus, lmo. rediit, Sept. 1758." (Md.-N. Y. obituary:) "1761, Jul. 8 . . . Portobacci."

116. **1749. Carroll, Fr. James,** of Ireland. 1717-1741-1756. Spiritual coadjutor. (L. 1:) Arrived in Md., July 15, 1749; there till his death. (Md.-N. Y. catal:) "Obiit Neopoli." Cf. **Documents**, I. No. 62, B. F., Mr. James Carroll's will, 1729, N.S.

Md.-N. Y. 4to copy has James Carroll, Ellis and Beadnall, as arriving July 15, 1749.

117. **Ellis, alias Jump, Fr. Richard.** 1714-1736-1755. Spiritual coadjutor. 1749, in Md., till 1754; (Md.-N. Y. catal.): "profectus ad Ste. Croix ibi obiit"; (G. T. C.): "et postea huc remissus" (but there is no indication that he ever came back). (Foley:) He died in Ste. Croix, September 7, 1755; (Md.-N. Y. 4to copy:) "17 mai." Cf. *supra*, p. 577.

118. **Beadnall, Fr. James.** 1718-1739-1772. Professed of 4 vows. 1749 in Md., till his death (Md.-N. Y. catal.): "obiit Neopoli."

119. **1751. O'Reilly, Fr. Philip Joseph.** 1719-1741-1775. Professed of 4 vows. (Brussels, Archives du Royaume, 80, carton 8, letters of O'Reilly, middle of 1750, from Paris to Fr. J. B. Bataillie, Antwerp:) On his way to America, apparently from Belgium. (Hogan:) 1751, sent

<sup>s</sup> Cf. *supra*, p. 568, note 8.

to West Indies (French). See *supra*, p. 600, note 6. After the dispersion of the French S.J. missions, (Fenwick :) "1767. Fr. Philip O'Reilly arrived at Philadelphia"; (1°, 1767 :) "adscitus ex alia Provincia." (3°, 1769; 1°, 1771 :) O'Reilly is in the Md. lists. (Md.-N. Y. catal. :) "Reversus est in Hyberniâ, 1769."

120. **1752. Gillibrand, Fr. Richard.** 1717-1735-1774. Professed of 4 vows. 1752, in Md., till 1754; (1°, 1754 :) "Missio Maril. et Pensylv. . . . 14, P. Rich. Gillibrand, Missionar. in Anglia 5 ann.; 2 in Maryl." 1755, back in England.

Md.-N. Y. 4to copy has Gillibrand, Sittensperger (Manners) and Steinmeyre (Farmer), as arriving June 20, 1752.

121. **Farmer, alias Steynmeyer, Fr. Ferdinand,** "Suevus, Werkensteinensis [?]." 1720-1743-1786. Professed of 4 vows. (Foley :) He had entered S.J. under the name of Farmer, and was attached to the English Province in 1751. (1°, 1754, 1757, 1767 :) He had studied two years of philosophy before entering S.J.; "docuit infer. in Germ." 1752, in Pa.; (1°, 1754 :) "est 2 anno in Penn." (Md.-N. Y. catal. :) "In odore sanctitatis obiit Philad., 1786, Aug. 17." L. 1 has a similar (and the original?) record in English; the name of Farmer in G. Hunter's hand; the date and place of death in another hand; and the eulogy, "in odore sanctitatis," apparently in John Carroll's.

122. **Manners, alias Sittensperger, Fr. Matthias,** "Landspergensis Boius [?], dioc. Augustanae." 1719-1737-1775. Professed of 4 vows. 1752, in Md.; (1°, 1754 :) "est miss. Maryl. 2 annis." (Md.-N. Y. catal. :) Died at Bohemia.

123. **Lewis, Fr. John.** 1721-1740-1788. Professed of 4 vows. 1752, in Md.; 1767, last superior of the Md.-Pa. mission, succeeding G. Hunter. He died at Bohemia. (1°, 2°, 1767 :) "Missionis Superior"; all his qualities good, "talento ad communia et gubernandum"; (L. 1 :) "worthy superior of this mission, when the dissolution of the Society happened."

These four, Nos. 120-123, Gillibrand, Lewis, Farmer, Manners, are added in ink to the printed catalogue for 1750, in the archives of the English Province, as if they were designed in that year for the American mission.

124. **1753. Cross, Fr. Bernard,** of Teneriffe, Canaries. 1715-1737-1785. Professed of 4 vows. (3°, 1753 :) "W. Missio S<sup>ma</sup> Crucis. P. Bernard. Cross Sup<sup>r</sup>," though no one else is recorded there yet, Ellis (*supra*, No. 117) appearing only in 1755; (E.P.A., Thorpe's *Extracts* :) "We have rec<sup>d</sup> a letter from Mr. Cross, dated 17 Dec. 1753, off the Island of Nevis, after a prosperous voyage, expecting this day to land at S. Croce." (1°, 1754 :) P. Bern. Cross . . . Debuerat Profess. 4 vot. facere, 15 Aug., et litterae quidem ad ipsum tempestive pervenerunt. Sed nescitur an habuerit coram quo Professionem emitteret, in aliqua vicina insula ubi Nostri sunt. Missionarius primus [?] in Insula S<sup>ma</sup> Cruz jam ab anno. Socius nondum pervenit, Gubernatore resistente. Sed jam

missa sunt jussa Regis Daniae ut Nostri ibi libere agant." (E. P. A., Thorpe's *Extracts* :) "Good news from Copenhagen, that the Rom. Cath. are to be on the same footing with the Lutherans in all the Danish Islands in the West Indies. Aug. 1754." (3°, 1756 :) "P. Bern. Cross, in miss. Montseratensi"; (1°, 1757 :) he is registered in the Md. missionary list; E.P.A., Thorpe's *Extracts* :) "In Apr. '58, the Prop<sup>da</sup> sent a circular letter, directed to our Missioners in the Isle of S. Croce, when one was dead, and the other had been long in England. Roels [*Fr. Charles, Rector at Liège*] stopt the letter." (1°, 1761 :) "Bern. Cross. . . . Fuit missionarius in Ins. Verae [!] Crucis, est modo in Anglia."

125. **Morphy, Fr. Michael**, "patria, insula Montserrat in America." (1°, 1757 :) 1726-1745-1759. 1753, in Md.; (1°, 1754 :) "Mission. Maryl. 1 an." (E.P.A., Thorpe's *Extracts* :) "8 Jul. '59, died Mich. Murphy in Maryland"; (Md.-N. Y. catal. :) "obiit prope Neopolim." (1°, 1757 :) No degree as yet.

126. **1758. Pellentz, Fr. James**, of Germany. (Foley :) 1727-1744-1800. Professed of 4 vows. (Md.-N. Y. catal. :) "Annus adventus, 1758, Jun. 9 . . . obiit in Conowago, 1800, Febr. 13, aet. 77."

127. **Frambach, Fr. James**, of Germany. (Foley :) 1729-1744-1795. Professed of 4 vows. (Md.-N.Y. catal. :) "Annus adventus, 1758, Jun. 9 . . . ex febris obiit ad St. Ignatium, 1795, Aug. 26, aet. 73."

128. **Williams, Fr. John**, jun. Spiritual coadjutor. 1730-1750-1793 or 1801. 1758, in Md., till 1768, when he returned to England.

129. **Mosley, Fr. Joseph**. 1730/1-1748-1787. (Foley :) Spiritual coadjutor, 1761 or 1765; (1°, 1767 :) professed of 3 vows. (1°, 1756, Jan. 1756-Apr. 1757 :) "D. Dom. Prob. Wattenensis . . . 14. P. Jos. Moseley." (1°, 1758 :) "T. Missio Marilandica . . . 17. P. Josephus Moseley." (Md.-N. Y. catal. :) "Annus adventus, 1756, Jun. 11 . . . obiit ad St. Joseph's, Talbot C<sup>y</sup>, 1787, Jun. 3."

130. **1761. Leonard, Fr. Ferdinand or Frederick**, of Germany. 1°, 1763 :) 1727, (Foley :) 1728-1747-1764. Professed of 4 vows. (Foley :) Arrived in Md., June 2, 1760; (E.P.A., day book P :) "1761, Aug. 7, Mr. Chaloner [*Sir John James fund*], Dr. (when money comes in) to M<sup>r</sup>. Fred. Leonards expenses from Germany to Philadelphia, £80 ls. 1½d." (Md.-N. Y. catal. :) "Annus adventus, 1760, Jun. 21 . . . ex Germania appulsus. Obiit in Portobacco, 1764, Oct. 27." (*Md. Hist. Magazine*, x. 258, C. Carroll of Carrollton, 15<sup>th</sup> - - -, 1760 :) "Mr. Leonard, a German missioner," goes with Captain Kelty.

131. **Roels, alias Rousse, Fr. Louis**, "Flandro-Belga." (Foley :) 1732, (1°, 1767 :) 1733, (3°, 1768 :) 1735-1753-1794. Spiritual coadjutor. (Md.-N. Y. catal. :) "Annus adventus, 1761, June 24, Roels, Ludov: Benj.: Obiit ad S<sup>um</sup> Thomam, 1794, Feb. 27."

132. **1762. Hathersty, Fr. Joseph**. 1735-1753-1771. Spiritual coadjutor. (E.P.A., ledger B, Md. accounts :) "1762, Ap. 30, To Mr. Hatterskeys expenses, including £11 from Gand, £41 9s. 1¾d." (Md.-N. Y.



catal. :) "Annus adventus, 1762, Jul. 12 . . . Missionarius zelos. and piiss. obiit Philad., 1771, Maii 8." (This appreciation is evidently translated from G. Hunter's note in L. 1.)

133. 1765. **De Ritter, Fr. John Baptist**, of Germany, (Foley :) an exile from his Province, aggregated to the English Province about 1763. 2-4-1785. Professed of 4 vows. (E.P.A., ledger B, Pa. accounts :) "Dr. 1765, Mar. 25, To Mr. Ritters expenses, £61 0s.  $\frac{1}{2}$ d. To 24 copies of the 'Devotion to the Sacred Heart,' £2 8s. 4d. To a box, Missal and other contents, sent you last Feb., £1 15s. 11d. To Directorys & H. Oils, 5s. Dec. 14. To catechisms sent to Mr. Fermor, 6s. 6d. . . . 1767, Oct. 7. To carriage of pictures from Bruges, for Mr. Ritter, 5s." (Md.-N. Y. catal. :) "Annus adventus, 1765, May 31 . . . Obiit in Cuthenhopen, 1785"; (*Ibid.*, obituary :) "1786, 3 7<sup>th</sup> . . . Cogenhopen"; (Foley :) the date on his tombstone is 3 Feb., 1787.

134. **Boone, Fr. John or James**, of Maryland. 1735-1756-1795. Spiritual coadjutor. 1765, registered for Md.; 1769, cancelled in Md. list. (Md.-N. Y. catal. :) "Annus adventus, 1765, May 31, De Ritter . . . Ead., Boone, Joannes. Reversus est in Angliam, 1770, Aug. 5. Secundo appulsus, obiit ad S. Ignatium, 1795"; (*Ibid.*, obituary :) "1795, Apr. 27."

135. 1766. **Walton, Fr. James**. 1736-1757-1803. (E.P.A., ledger B :) "1766, Jan. 9. To Messrs. Mathews and Waltons expenses and passage, £95 12s. 4d." (Md.-N. Y. catal. :) "Annus adventus, 1766, Maii 2 [?] . . . Miss. venerabilis et zelosissimus. Obiit anno aetatis suae 65. Obiit ad S. Ignat. 1803, Feb. 19"; (G.T.C., in Fr. Dzierozynski's hand :) "ex febris." (Fenwick :) "1768, P. Jacobus Walton: began to live alone in Frederick town, June 27; was in St. Mary's till 5 June."

136. **Matthews, Fr. Ignatius**, of Maryland. 1730-1763-1790. Entered S.J. already a priest. 1766, in Md., arriving with Walton. (1<sup>o</sup>, 1767 :) "259. P. Ignatius Mathews, Marilandus . . . Studia omnia ante ingressum. Missionar. Schol[asticus] approb[atus]." (1<sup>o</sup>, 1771 :) "246. P. Ign. Matthews . . . Studia: 3 [annos] Phil., 4 Theol. ante ingressum. Mission. Schol[asticus] approb[atus]." (Md.-N. Y. catal. :) "Annus adventus, Eadem [1766, Maii 2 (??)] . . . obiit Neopoli, 1790, Maii 11."

137. 1767. **Ashton, Fr. John**, of Ireland. 1742-1759-1815. 1767, in Md., till his death. (Md.-N. Y. catal. :) "Annus adventus, 1767, Nov. 1, P. Ashton, Joannes"; [in a later hand :) "Degerat 39 annos in W[hite] Marsh, partim cum D. Carroll; obiit circa 1814, Port tobacco." "Fr. Aston died, 3 Jan<sup>y</sup>, 1815." (Documents, I. 147, G, note 2 :) Ashton, surviving the restoration S.J., did not re-enter.

The relations of Mr. Charles Carroll, sen., with the Jesuits, Anthony Carroll, and Anthony's nephew, Ashton, are sufficiently explained in Documents, I. Nos. 62, 68. In addition to the kinship, Fr. Anthony Carroll would appear to have been private or travelling tutor to Charles Carroll, jun., of Carrollton; (1<sup>o</sup>, 1757 :) "298. P. Ant. Carroll, Hibernus; docuit human.; Parisiis cum nobili Marylando." These circum-

stances may explain the following money accounts, and the items of outfit. (E. P. A., day book P:) "1767, Cash recd. July 30. By Cha: Carroll, Esq.: per Messrs. Perkins, Brown & Co., towards Mr. Ashtons journey exp. to Maryland, £50. 1768, Feb. 24. By Mr. Anth. Carroll, per bill [of Chas. Carroll, sen., on Perkins & Co., 9 Nov. 1767], payable at 60 days sight, £400." [Outlay:] Aug. 6. To Mr. Ashton exp.: To 15 shirts, 12 handkerchiefs, 2 suits of cloaths, great coat, wig, stockings, shoes and hat, and journey from Ghent to London, £25 8s. 6d. To boots and shoes at London, £1 18s. 6d. To pair of leathern breeches, £1 5s. To six pair of stockings, £1 11s. To 2 check shirts, 8, and a trunck 5s.: 13s. To a pair of saddle bags, 7s. 6d. To a blanket, 5s. 8d. To exp.; ritual, Directory, lodging and diet, £1 5s. 8d. To given him in cash, £3 3s., to his passage to Virginia, £21. [Sum:] £56 17s. 5d. To a new wig, and old one mending, £1 7s. 6d. [Sum total:] £58 4s. 11d. 1768, July 10. By Messrs. Perkins & Co., the full balance of this account, viz. £3 4s. 11d." For specimens of Mr. Charles Carroll of Carrollton's purchases on his own account, in the interest of his private chapel, as recorded in the same day book P, see *Amer. Eccl. Review*, xxix. pp. 38, 39, Hughes, "Educational Convoys to Europe in the Olden Time."

138. 1768. Morris, Fr. Peter. 1743-1760-1783. (E.P.A., day book P:) "1768, Sept. To Mr. Morris, viatic. from Gand, £12. To passage to Maryland, £21. To his pocket, £3 3s. To exp. in town, £1 13s. To cloaths, £9 3s. To leather breeches, £1 5s. To boots and shoes, £2 5s. To bedding for his passage on ship-board, £1 12s. 6d. To wig, £1 1s.; stockings, 14s. 6d.; handkerchiefs [sum:] £1 9s. [!]" (Md.-N. Y. catal.): "Annus adventus, 1768, Nov. 12. Morris, Petrus. Obiit Neopoli ex apoplexia, 1783, Nov. 19."

139. Knight, Fr. George. 1733-(1<sup>o</sup>, 1768:) 1754-1790. Spiritual coadjutor. 1768, registered as in Md.; 1769, the name cancelled in the Md. list.

140. 1769. Geissler, Fr. Lucas, of Germany. 1735-1756-1786. Professed of 4 vows. (E.P.A., ledger B:) "Pennsylvania, Dr. . . . 1769, Feb. 4. [Geissler's expenses from Germany to London, from London to Philadelphia, personal equipment, as well as some supplies for the mission. Among them, the item:] "To passage to Philadelphia, on board Capt. Story, £26 5s." (Md.-N. Y. catal.): "Annus adventus, 1769, Mar. 26, Geisler, Lucas, Germanus. Obiit in Conowago, 1786, Aug. 10." (*Ibid.*, 4to copy:) "1783."

In E.P.A., ledger B, pp. 141-143, "Pennsylvania, Dr.," 1765-1785, is annotated thus by Fr. Thomas Talbot, who was in charge of the ex-Jesuit financial affairs in London at the latter date: "N.B. Maryland & Pennsylvania make only one interest: the debt of the one must be cancelled by the credit of the other, as far as it goes: Maryland Debt, £2445 15s. 5½d.; Pennsylvania credit [*Sir John James fund*], £1032 1s. 9d. Balance to Province, £1413 13s. 8½d." The accounts of Pa. credit consist of instalments from Bishop Challoner on account of the fund, as well as the following item: "1765, Mar. 5. By Mr. Nic: Thomsons Collections, £2 12s. 6d." But for the whole of this matter, see *Documents*, I. No. 150, G<sup>2</sup>-R<sup>2</sup>.

141. Lucas, Fr. John. 1740-1763-1794. 1769, registered for Md. (Md.-N. Y. Prov. Arch., 1794, Nov. 15, J. Carroll to C. Plowden:) In the course of time, he fell away from the practice of a Christian life; returning to a sense of duty about 1794, he placed himself for more than a year under the direction of Fr. James Walton; then, under an assumed name, was reinstated in the ministry by Bishop Carroll; and after some eight months of edifying labours, died September 14, 1794.

142. **Chamberlain, Fr. James.** 1739–1758–1779. (3<sup>o</sup>, 1769:) “*Extra Provinciam. . . Demarary. P. Jacobus Chamberlain.*” (3<sup>o</sup>, 1773:) “*T. Missio Marilandica et Americana quaevis*,” an alphabetical list of 21 names, including James Chamberlain; but omitting accidentally Robert Molyneux, and correctly Philip O’Reilly. Chamberlain died in Demarara.

Cf. *Documents*, I. Part ii., opposite p. 607, 21 autograph signatures (1774).

143. **1770. Molyneux, Fr. Robert.** 1738–1757–1808. (3<sup>o</sup>, 1769, Aril 1:) registered as in the Md. mission. (E.P.A., ledger B:) “1770, Dec. To exp. of sending out Mrs. Molyneux & Bolton, in Dec., 1770, £89 5s. 4d.” Molyneux became the first superior of the Society restored in Md., June 21, 1805. See *Documents*, I. No. 178, H, J. (Md.-N. Y. catal. :) “*Annus adventus, 1771, Mar. 21, Molyneux, Robertus. Primus post suppressionem superior. Obiit in Collegio Georgeopolitano ex asthm., 1808, Dec. 9.*”

144. **Bolton, Fr. John.** 1742–1761–1809. 1769, registered for Md.; December, 1770, sent with Molyneux. (Md.-N. Y. catal., later hand:) “*Obiit Neapoli*”; (*Ibid.*, obituary:) “1805”; (Foley:) September 9, 1809.

145. **Diderich, shortened into Rich, Fr. John Baptist, of Luxembourg.** 1726–1745–1793. (3<sup>o</sup>, 1769:) Registered as in Md., with the other new additions: Bolton, Molyneux, and Lucas; but (E.P.A., ledger B:) “1771, June 13. To same [*exp.*] for Mr. Rich from Liège to Philadelphia, £46 13s. 8d.” (1<sup>o</sup>, 1771:) “*Missionarius in Pennsylvania.*” (Md.-N. Y. catal. :) “*Obiit in Notley Hall, 1793, Jul. 5.*”

146. **1773. O’Brien, Fr. Peter, of Ireland.** 1735–1754–1807. Professed of 4 vows. (1<sup>o</sup>, 1773, Fr. G. Jenkins’ copy:) “*Coll. S. Ignatii London*] . . . 19. Antigua. Petrus O’Brien, def. . . Newhall [*England*], 28 Feb., 1807, aet. 72.” (Foley:) He was ten years in the West India mission. He re-entered the Society restored.

The catalogues, 1771, 1772, 1773, report for Md. the list of missionaries, which is shown in the autographs (1774), *Documents*, I. Part ii., opposite p. 607, with these modifications:—1771, Beadnall is alive, deceased in 1772; 1771–1773, Harding appears, but he really died at the end of 1772; 1771–1773, Lucas is registered, but his name is wanting in the autograph list; John Boarman and Augustine Jenkins, whose autographs are in the list (1774), did not leave Europe for Md. till after the Suppression, 1773.

In the foregoing biographical notices, from No. 185 onwards, the final degree of professed or spiritual coadjutor is largely wanting, since the period requisite for arriving at it was out short by the Suppression—seventeen years for the grade of professed, ten for that of spiritual coadjutor. Walton and many another Father is registered in 1<sup>o</sup> catalogues as being still “*Schol[asticus] approb[at]us*.” In the following list of Americans, or Fathers who worked in America, the term, “*Non professi*,” should be translated as not having taken the final grade, whichever that would have been. Father William Strickland has left this analysis of survivors belonging to the old English Province for 1801, when the restoration of the Society began (see *Documents*, I. Part ii. 816, 817); the crosses (“*deceased*”) being added at some date very much later. We copy only the names which had relation to America:

(E.P.A., *Catalogi*, vol. G, 1808–1821:) “*Ex Provincia Anglicana S.J. supersunt etiamnum, 1 Feb., 1801: Sacerdotes professi 4 vot.; 1. P. Thos. Digges, nat., 15 Feb.,*

1712, or 1711; 14. Joan. Carroll, 9 Jan., 1736; 17. Rob. Cole + 23 Dec., 1732. [21 surviving professed of 4 vows.] Sacerdotes non professi. 26. Rob. Molyneux, 24 Jul., 1738; 29. Jac. Walton, 10 Jun., 1736; 40. Joan. Ashton, 3 Maii, 1742; 48. Hen. Pile, 24 Maii, 1743; 49. Joan. Bolton, 22 Oct., 1742; 52. Joan. Mattingly, 25 Jan., 1745; 60. Nic. Sewall + 9 Dec. 1745; 61. Car. Sewell, 4 Jul., 1744; 66. Silv. Boarman, 7 Nov., 1746; 69. Edw. Nihell, 18 Jan., 1752; 70. Leon. Neale, 15 Oct., 1747; 76. Fran. Beeston, 15 Jun., 1751; 80. Car. Neale, 10 Oct., 1751; 81. Stan. Cherfomont, 14 [?] Jul., 1741; 83. Joan. Williams, 2—; Doyme—. [85 priests in all; 3 lay brothers added.]

The movement of the foregoing missionary forces—113 priests, 1 scholastic non-priest, and 32 (?) lay brothers—we may briefly summarize as follows; noting that of the catalogues, whether annual, “breves,” “3<sup>o</sup>,” which give the personnel for respective years, or triennial, “1<sup>o</sup>,” and “2<sup>o</sup>,” which give the qualifications of persons, only some twenty in all are wanting from 1634 to 1773; and that a sufficient idea of the movement might be gathered from the annual letters and triennial extracts, recorded in Documents, I. No. 8, B-X<sup>2</sup>. The exact annual numbers may be seen in Foley, *Collectanea*, pp. lxxviii.—cxxxiv.

1634–1647, number of persons varies from	2 to 5
1648–1660	1 to 3
1661–1676	3 to 5
1677–1698	6 to 10
1699	4
1700–1721	9 to 16
1722–1734	15 to 19
1735–1739	11 to 14
1740–1758	14 to 18
1763–1773	18 to 23 (no more lay brothers).

§ 255. II. Ex-Jesuits who came to America after the Suppression (1773).

147. **Boarman, Fr. John**, of Maryland. 1743 1762–1794. (Md.-N. Y. catal. :) Arrived, March 21, 1774; “obiit Neopoli, 1797.”

148. **Boarman, Sylvester**, of Maryland. 1746–1765–1811. (Md.-N. Y. catal. :) Arrived, March 21, 1774; “obiit Miss. Sti. Thomæ in Newport, 1811, Jan. 7.”

149. **Carroll, Fr. Anthony**, of Ireland. 1722–1744–1794. Professed of 4 vows. (Md.-N. Y. catal. :) Arrived, June 26, 1774. He returned to England in the following year. (E. I. Devitt :) He came merely on private business.

150. **Carroll, Fr. John**, of Maryland. 1736–1753–1815. Professed of 4 vows. (Md.-N. Y. catal. :) Arrived, June 26, 1774; “obiit primus Archiep: Metropolit.: Amer: confoederatæ Baltimori, 1815, Dec. 3 æt: 82 . . .” (1<sup>o</sup>, 1754 :) “Dom. 1 Prob. Wattenis . . . 28. Joannes Carroll, Marylandus. Studuit humaniora Audomari. Novitius 1 ann.” (1<sup>o</sup>, 1767 :) “Collegium Brugense . . . 60. P. Joannes Carroll, . . .

Studuit 3 [ann.] phil., 4 theol. Docuit phil., theol. Est praeceptor nobilis Angli. Schol. Approb." (3<sup>o</sup>., 1769:) "Nostri extra Provinciam. P. Joannes Carroll. Bononiae." (1<sup>o</sup>., 1771:) "Colmar. P. Joannes Carroll . . . cum nobili Anglo. Professus 4 vot., 1771, 2 Feb."

151. **Sewall, Fr. Charles**, of Maryland. 1744–1764–1805. (Md.-N. Y. catal.:) Arrived, May 24, 1776 (Foley: 1774); "obiit, 1805" (Foley: November 10, 1806).

152. **Jenkins, Fr. Augustine**, of Maryland. 1742–1766–1800. (Md.-N. Y. catal.:) Arrived, May 24, 1776 (Foley: 1774); "obiit Neopoli, aetatis 53, 1800, Feb. 2." (1<sup>o</sup>., 1767:) Aug. Jenkins, "Anglus, nat. 1747, 12 Jan. . . . ingressus, 1766, 7 Sep.; novitius schol." That Jenkins was of Maryland appears from Documents, I. No. 114, D, note 19.

153. **Neale, Leonard**, of Maryland. 1747–1767–1817. (Md.-N. Y. catal.:) Arrived, April 12, 1783; "appulsus ex Demareira in Amer: Sept. Obit secundus Archiep: Baltimorensis, sepultus Georgiopoli in monasterio Visit. B.V., 1817, Jun. 18, aet. 72." (*Ibid.*, obituary:) "Olim Pater Schol.," i.e. "Scholasticus approbatus"; if also "Pater," then he had been ordained at the date of the Suppression.

Fr. John Boone, *supra*, No. 184, came back again to Md. (Foley:) in 1784. But cf. Documents, I. No. 150, L<sup>2</sup>, 1787.

154. **Pile, Fr. Henry**, of Maryland. 1743–1761–1813. (Md.-N. Y. catal.:) Arrived, July, 1784, "Pile, Henricus, Americanus ex Newport. Obit ad St. Thom., 1813, Feb. 18"; (*Ibid.*, obituary:) "1803, Feb. 18"; (Foley:) 1814. (Documents, I. No. 147, G, note 2:) Fr. "Pye" did not re-enter S.J. restored.

155. **Doyne, Fr. Joseph**. 1734–1758–1803. (1<sup>o</sup>., 1767:) "Marianus." (Documents, I. No. 150, L<sup>2</sup>:) 1787, in Md. (Md.-N. Y. catal.:) "Obiit ad Sti. Thomae Manor, aetatis 70, 1803."

156. **Gresselt, Fr. Aloysius**. See E.P.A., ledger B, Maryland accounts, as quoted *infra*, before No. 166. (Documents, I. No. 150, N<sup>2</sup>, note 51, p. 661, Carroll, 1787:) "Messrs. Beeston & Groesl (a most amiable German Ex-Jesuit)," at Philadelphia; (*Ibid.*, No. 156, B, Carroll, 1788:) "Mr. Groesl, a most amiable, modest and learned, as well as singularly virtuous gentleman." (Md.-N. Y. obituary:) "1793, Sept. P. Graesselt, Aloys. Episc. electus. Locus obitus, Philadelphia, ex febri." See Documents, I., *passim*.

§ 256. III. Jesuits who were still at their studies when the Suppression occurred (1773), and afterwards became missionaries in America, having finished at the ex-Jesuit Academy of Liège.

157. **Cherfomont (Cerfoumont), Stanislaus**. 1749–1771–? See Documents, I. No. 172, A, 2<sup>o</sup>.

158. **Beeston, Francis**. 1751–1771–? See Documents, I., *passim*;

(*Ibid.*, No. 147, G, note 2:) surviving the restoration of S.J. in America, he did not re-enter.

159. **Neale, Charles**, of Maryland. 1751-1771-1823. He was three times superior of the Md. mission after the restoration of the Society. (Md.-N. Y., obituary :) "1823, Apr. 27. R. P. Neale, Carolus, aet. 72, Sup. Mis., Professus 4 vot. In monasterio Montis Carmeli ex calculo et asthmate decessit." See *Documents*, I., *passim*.

On these three, Nos. 157-159, in relation to the Liège Academy, see *Documents*, I. Nos. 150, N<sup>2</sup>, note 51; 163, A, note 5. Probably the following, Brooke, was in the same category:—

160. **Brooke, Ignatius Baker**. 1751-1770-? See *Documents*, I., *passim*; (*Ibid.*, No. 147, G, note 2:) surviving the restoration of S.J. in America, he did not re-enter.

The following alumni of the same ex-Jesuit Academy were of a generation too young to have been members of the Society before the Suppression. They were designed for the Maryland establishment, and money accounts show that the ecclesiastical education of some among them was conducted at the expense of the same establishment. See the policy outlined by Fr. Ashton, 1786, 1787, to Strickland, in *Documents*, I. No. 150, K<sup>2</sup>, N<sup>2</sup>; and the results so far obtained, *Ibid.*, Nos. 150, N<sup>2</sup>, note 51, p. 661; 163, A, note 5, pp. 721-722; memoranda of Fr. William Strickland, president of the Academy at Liège, for dates about 1788.

§ 257. IV. Missionaries prepared later for the Anglo-American establishment by the ex-Jesuit Academy of Liège; some of them at its expense.

161. "+ **Jos. Boone**, mortuus Leodii, theologus." See *Documents*, I., as just cited. (Foley, from Oliver :) Died March 19, 1779.

162. **Neale, Francis**, of Maryland. (Foley :) Left the Academy at Liège, April 3, 1788; arrived in Baltimore, November 18, 1788. He became a conspicuous member of the revived Society. See *Documents*, I., *passim*.

163. **Brosius, Francis Xavier**, of Luxembourg (?). About 1789, 1790, at Liège; 1794, arrived in Baltimore with Prince Gallitzin, who entered the seminary there; February 25, 1794, was aggregated to the ex-Jesuit establishment, called the Select Body of Clergy. See *Documents*, I. Nos. 150, N<sup>2</sup>, note 51, p. 661; 171, A, "1794"; 172, A, 2<sup>o</sup>; and *passim*.

164. **Matthews, William**, of Maryland, and nephew of the Fathers Neale. (Foley from Oliver :) Studied at the Liège Academy; (*Documents*, I. No. 150, N<sup>2</sup>, note 51, p. 661, Extract from a Diary, which continues thus, f. 12 :) "At the end of the great vacation in '91, four of the scholars, candidates for the priesthood, were placed in quarters previously arranged, & Fr. Th. Reeve was appointed to be their Prefect or immediate Sup. Two of these, Wal. Clifford & Th. Collingridge, had finished Rhetoric; the other two, John Cross (vere Tristram) and Wm. Matthews, had finished Poetry only; but they were advanced in

age, & the latter attended the school of Rhetoric during the next year." (*Ibid.*, note 51, p. 661, Carroll, 1791 :) "Mr. Matthews has engaged himself to the service of the Academy [*a Pontifical seminary*] by the usual oath." 1801, 1802, he was at Georgetown. See *Ibid.*, No. 170, C<sup>2</sup>, pp. 761, 763, and *passim*.

165. **Young, Notley**, of Maryland. (*Documents*, I. No. 150, *loc. cit.*, Carroll, 1791 :) Young is actually engaged in the Liège Academy, as Matthews has just undertaken to be. 1801, 1802, at Georgetown. See *Documents*, I. No. 170, C<sup>2</sup>, pp. 761, 763, and *passim*.

Both W. Matthews and N. Young were accepted as novices, "Pater Schol." "1809, Mar. 17," the Society having been restored in America. But they withdrew; the record saying of Matthews in particular, "appr[obante] Sup[er]ic[re]" (Md.-N. Y. list, "Nomen, Annus et Dies ingressus Novitiorum," from R. Franc. Neale, October 10, 1806, till 1848).

The following three Liège alumni we place together because some money accounts of theirs appear on the same pages of E.P.A., ledger B, in a summary by Fr. W. Strickland, under Maryland accounts, pp. 277, 278, 281, 282 (apparently 1786-1789): "Maryland, Dr. By pd. for Mr. Eden[skink] going to Md., £27. By pd. for Dr. in London, £15 12s. By pd. for Mr. Cresselt [*No. 156, supra*] in London, £41 19s. 11d. . . . By Mr. Erntzen's board at Liège, for 2 years, to Mar., 1789, £50. By Mr. Delvaux, 1½ year, to 4 May, 1789, £37 10s. By Mr. Cresselt's board at Liège, 6 weeks, £3 2s. 6d."

166. **Eden(skink), Joseph**. See *Documents*, I. Nos. 150, N<sup>2</sup>, note 51, Strickland's memorandum; 163, A, note 5, ditto; and *passim*. From Strickland's "N.B." it appears that only the expenses of transit went to the account of Md., the young man's education, "near four years at Liège," having been "wholly at the expence of the gentlemen of the Academy." Eden had not yet come to Md., June, 1787. See *Ibid.*, No. 150, O<sup>2</sup>.

167. **Erntzen, Paul**. He was studying divinity at Liège in 1788, 1789. He interested himself in obtaining candidates for the American mission (1787). Ashton, the Md. procurator, undertook to defray the expenses of their education at Liège (June 2, 1787); and he mentioned "three Germans" just taken into the Academy. In 1790, J. Carroll, writing from Lulworth, England, mentioned "the young Germans from Liège," who had just arrived in England. Erntzen appears in service on the American mission, coupled with Nicholas Delvaux, November, 1792. See *Documents*, I. Nos. 150, N<sup>2</sup>, pp. 660-662; 163, A, pp. 720-722; and *passim*.

168. **Delvaux, Nicholas**. He was studying at Liège in 1788-9. He appears in the American mission with Erntzen, November, 1792. He fell away soon from Christian practice and from the Church, but died happily in the hands of Fr. Walton (1798). See *Documents*, No. 163, A, pp. 720-722.

After this series of recruits for the American mission, any further supplies were to be expected from the new Sulpician seminary in Baltimore, for which the establishment of ex-Jesuits made appropriations. See *Documents*, I. Part ii., *passim*.

§ 258. V. One missionary, an ex-Jesuit before the Suppression.

169. **Plunkett, Robert**, of England, formerly a Jesuit, stands in a category apart. 1752–1769–1815. He left the Society, August 21, 1773, a few days before the Suppression. He was invited by Bishop Carroll to come over and help, as president, the College of Georgetown. Cf. **Documents**, I. Nos. 170, B, 1791; 173, B, 10<sup>a</sup>, 1795. (Md.-N. Y. catal.): “Plunket, Presb. saecul. Obiit prope Washington, & sepultus est in monasterio Visitat. B.V., Georgeopoli, 1815, Jan. 15.”

§ 259. VI. Supplementary. Jesuits of American nationality who did not work in America.

The Jesuits of American nationality, who appeared in America, 1634–1773, come to 11 in number (passing over Nos. 78 and 88, Robinson and Scott):

- 43. Burley, Br. William.
- 48. Brooke, Fr. Robert.
- 58. Brooke, Fr. Matthew.
- 101. Livers, Fr. Arnold.
- 108. Neale, Fr. Henry.
- 110. Digges, Fr. Thomas.
- 111. Neale, Fr. Bennet.
- 112. Digges, Fr. John.
- 125. Morphy, Fr. Michael.
- 134. Boone, Fr. John.
- 136. Matthews, Fr. Ignatius.

A large number of Jesuits, natives of America, never worked there, either because they were appointed for work in Europe, or because they were overtaken by the Suppression (1773). We make the list out as follows, taking it chiefly from Foley:—

170. **Boarman, Charles**, of Maryland. (**Documents**, I. No. 150, N<sup>2</sup>, note 51, p. 660 :) A novice at the time of the Suppression.

171. **Boone, Fr. Edward**, of Maryland. 1734–1756–1785. Spiritual coadjutor.\*

172. **Brooke, Fr. Ignatius, sen.**, of Maryland. 1670(1671)–1699–1751. Professed of 4 vows.

173. **Brooke, Fr. Leonard**, of Maryland. 1750–1769–1813.

174. **Brown, Edward**, of Antigua. 1743–1764–1770. A scholastic, probably not yet ordained.

175. **Calvert, George**. 1672–1690–(Foley :) 1696. A scholastic. See *supra*, pp. 137, 138.

176. **Cole, Fr. Joseph**, of Maryland. 1727–1747–1763.

177. **Cole, Fr. Robert**. 1732–1752–1812. Professed of 4 vows.

178. **Deas, Br. John**, of Maryland. (1<sup>a</sup>, 1767 :) 1740–1767–? A novice in his first year.

179. **Digges, Fr. Francis**, of Maryland. 1712–1733–1781. Spiritual coadjutor.

180. **Digges, John**, of Maryland. 1746–1766–? A scholastic at the date of 1769.

\* Here should be entered Fathers Richard Boucher (1696–1718–1760) and William Boucher (1682–1700–1757), if Oliver is correct in saying that they were brothers, and that Richard was born in America. But Foley (*Collectanea*, s.vv.) makes them natives of England.



181. **Gardiner, Thomas**, of Maryland. 1665-1685-1694. (Foley :) A scholastic. See *supra*, pp. 137, 138.
182. **Hoskins, Fr. Ralph or Raphael**, of Maryland. 1729-1749-1794. Professed of 4 vows.
183. **Knatchbull, Fr. Robert**, of Maryland. 1716-1735-1782. Professed of 4 vows.
184. **Lowe, David**, of the West Indies. ?-1765-? (1°, 1767 :) "Novit. Schol. nunquam dimissus; est (invitus) cum matre in Indiis Occid."
185. **Mattingly, Fr. John**, of Maryland. 1745-1766-1807. He was already a priest in 1771. (1°, 1771 :) "Studia: 3 [annos] Philos. ante ingressum [in S.J.]; 4 Theol. Parat se ad Phil: docendam. Schol. Approb."
186. **Murphy, Thomas**, (1°, 1754 :) "Americanus." 1732-1751-1757. A scholastic.
187. **Neale, Br. Henry**, of Maryland. 1733-1754-1754.
188. **Neale, Fr. William**, of Maryland. 1743-1760-1799.
189. **Nihill, Fr. Edward**, of Antigua. 1752-1769-1806. Died serving the negroes in Trinidad.
190. **Nihill, Fr. John**, of Antigua. 1750-1768-?
191. **Royall, Fr. John**, of Pennsylvania. 1729-1747-1770. Professed of 4 vows.
192. **Semmes, Fr. Joseph**, of Maryland. 1743-1761-1809.
193. **Sewall, Fr. Nicholas**, of Maryland. 1745-1766-1834. He became Provincial (1821) of the revived Society in England.
194. **Thompson, Fr. Charles**, of Maryland. 1746-1766-1795.
195. **Wharton, Fr. Charles**, of Maryland. 1748-1766-? (A memorandum of Foley's :) "Wharton, Charles, at Worcester, a priest, 1790-92. Admitted into S.J., Sept. 7, 1766." He left the Church. See Documents, I. No. 148, note 4, and *passim*.

Omitting No. 169, Plunkett, and Nos. 161-168, the eight young men, who whether aspirants or not were unable to become Jesuits during the Suppression, we have in these lists 186 Jesuits connected with America, 1684-1773. Taking in a whole century beyond the Suppression, Foley counts not many more than 1200 deceased Jesuits in all, belonging to the English Province during the three centuries, 1580-1883 (*Collectanea*, p. 971).

Forty-two or more Jesuits, whom the foregoing lists show to have been connected one way or other with America, but not to have worked there during the 17th-18th centuries, leave, when subtracted, the number of actual missionaries at about 144.

(Saving errors and omissions.)

§ 260. CANADA AND LOUISIANA. For biographical data regarding the French missionaries, see the ample material for 1611-1773 compiled by the Rev. Arthur E. Jones, S.J., in Thwaites, "Jesuit Relations," lxxi. 120-181. Here the number of French Jesuits, lay brothers included, amounts to 320.

This gives a grand total of 464 Jesuits in all, British and French, who operated in North America during the 17th and 18th centuries,

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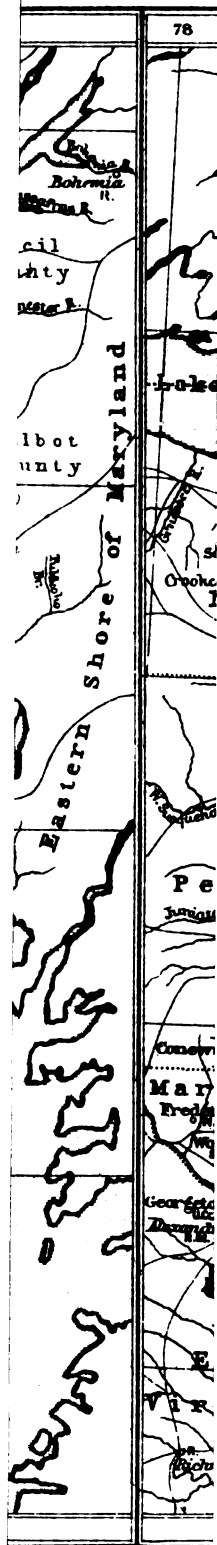
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